



Tree Removal Application

Dear Owner(s):

When it comes to trees on your property, sometimes it's necessary to bid them farewell. Whether it's due to disease, safety concerns or the need for space, tree removal can be a tough decision to make. When in doubt, be sure to seek expert advice when considering such an important decision.

Taking down a tree is not a decision to be made lightly. There are certain situations where it becomes necessary, such as when a tree poses a risk to your property or the safety of your loved ones. Diseased or decaying trees can also become unstable and potentially cause damage during storms. Additionally, if you're planning to expand your property or undertake a construction project, tree removal may be unavoidable.

But before you take out the ax, it's important to seek proper approval and understand the potential impact that removing a tree can have on the environment. Trees provide many benefits, including shade, air purification and wildlife habitat. Therefore, it's essential to assess the situation carefully and consider alternative solutions, such as pruning or transplanting.

If you wish to remove a tree or trees from your property or request one or more, be removed from Litchfield-By-The-Sea common area, please submit a completed application and supporting materials (arborist report, County permit, photos, etc.) as may be needed to efficiently review the application.

Litchfield-By-The-Sea Community Association has the authority to assess penalties for the removal of a tree or tree(s) without written approval or the failure to remove stumps associated with the tree removal. Penalties may include a fine, requiring replacement of a tree or trees, repair of landscaping, and/or to file for injunctive relief.

If the tree(s) is/are on your lot, submit a copy of your property survey with an "x" to mark the location of the tree(s). If your survey is not available or your request relates to a tree in the common area adjacent to your lot, you may use the Georgetown County GIS Map, enter your address, and zoom in to print a snapshot of your property boundaries. The link to the GIS system is below.

<https://georgetown.maps.arcgis.com/apps/webappviewer/index.html?id=8914e8af08b34826b2f38aac4dec476b>

Georgetown County Tree Regulations (Article XIII attached) may protect trees you desire to cut. Prior to submitting the application, please contact the County to determine if a permit is required.

Zoning Administrator Office
129 Screven St.
Georgetown, SC 29440
Phone: 843-545-3299



Tree Removal Application

Property Owner(s): _____

LBTS Address: _____

Telephone: _____

Email: _____

Type of Tree: _____

Location of Tree: Owner Lot ___ or Common Area ___

Location of tree (marked and attach photo): Yes ___ or No ___ (If not, please explain.)

Explanation: _____

Georgetown County Approval: Not Required ___ or Required ___ (Attached Permit)

Tree Removal Company: _____

Acknowledgement and Signatures: Your signature below indicates that you are the Owner and understand no work may commence without the property approval. You certify that all information presented in this application is true to the best of your knowledge. **Additionally, you agree to present a copy of any approval received upon request by Security or LBTS staff and repair any damage and/or removal any debris on the common area.**

Owner: _____ Date: _____

**Return this completed form and attachments to ARB@LitchfieldByTheSea.com
Or 49 Wall St., Pawleys Island, SC 29585.**

****Office Use Only****

Date Received:

Application Results	Approve	Deny	Notes
Stump Removed	Yes	No	
Stump Flush Cut to Ground	Yes	No	
Repair Landscape	Yes	No	
Replace Tree	Yes	No	
Other			

ARB Signature

Date

ARTICLE XIII

TREE REGULATIONS *(Amended Ord. 23-24)*

INTENT. It is the intent of this section to encourage the protection, and replacement of trees before, during and after development. Benefits derived from tree protection, and replacement include: improved control of soil erosion, moderation of storm water runoff, and minimization of the cost of construction and maintenance of drainage systems; improved water quality including carbon reduction; interception of airborne particulate matter and the reduction of air pollutants; reduction of noise, heat and glare; enhancement of habitat for desirable wildlife; climate moderation; maintenance of aesthetic qualities provided by the natural environment and its scenic view sheds; provision of protective physical and psychological barriers between pedestrians and vehicular traffic; energy and water conservation; and the enhancement of real estate property values. *(Amended Ord. 2018-20.)* Consistent with the purposes of this Ordinance, the preservation of existing trees is a priority due to their environmental and aesthetic benefit. *(Amended Ord. 2021-23).*

Due to the physical and developmental nature of the County, Article XIII, Tree Protection, is divided into two tree overlay districts, one being the more urban section known as the Waccamaw Neck and the western section of the County which is more rural. The regulations contained in this Article apply to all zoning districts within the two areas. The regulations in both overlays of the County are divided into three classifications: occupied single family residential requirements, unoccupied single family residential requirements and non single family requirements. *(Amended Ord. 23-24)*

1300. **DEFINITIONS.** Unless otherwise defined herein, all other words shall have the commonly understood meaning as defined in a standard recognized dictionary of the English language.

1300.1 **ANSI A300.** Generally accepted industry standards for tree care practices.

1300.2 **Best Management Practices (BMP).** Forest management practices, developed pursuant to federal water quality legislation, to minimize or prevent non-point source water pollutions established by the SC Forestry Commission.

1300.3 **Caliper.** For trees with a diameter breast height (DBH) of four (4) inches or less, the diameter of a tree's trunk measured six (6) inches above the ground. For trees with a DBH of greater than four (4) inches, the diameter of a tree's trunk measured twelve (12) inches above the ground.

1300.4 **Clear Cutting.** Removal of most or all protected trees from an area or land.

1300.5 **Commercial Timber Harvesting.** The felling of timber products for commercial use. The term "timber harvesting" includes both clear cutting and thinning of timber. This term does not include the clearing of land for development purposes.

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1300.6 Diameter Breast Height (DBH). The diameter in inches of a tree's trunk measured in inches at a height of 4.5 feet above existing grade (base of the tree). If a tree trunk splits at ground level and does not share a common base, then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5 foot mark, all trunks shall be measured separately and count as one tree.

1300.7 Grading. Altering the surface of ground to level, slope or shape the disturbed area. (*Amended Ord. 2018-20*)

1300.7.1 Mass Grading. Grading of a site that moves land over a large area and typically involves the clearing of trees and other vegetation. (*Amended Ord.2018-20*)

1300.8 Land Development – Any land disturbance, for purposes of subdivision, construction, sale, or other commercial or business purposes.

1300.9 Non Single-Family Parcel. A parcel which contains any structure or use other than a single-family dwelling including without limitation commercial, multi-family, public facilities, industrial uses, and churches, as well as a parcel prior to its subdivision into a single-family parcel.

1300.10 Overlay Zone. A zone that applies an additional layer of standards to all areas within its defined boundary, regardless of the underlying base zoning.

1300.11 Party. Any individual, business, company, or non-governmental entity engaged in land development or a project for commercial, business, or other non-personal purpose.

1300.12 Person. A human being, as “person” is commonly defined, who, for purposes of this Article XIII, is engaged in land disturbance or tree removal on land he or she owns, and only for personal, private purposes and not for land development or other commercial or business purposes.

1300.13 Project. Any undertaking that involves land development as defined herein, or construction or expansion of a structure for residential, business, or commercial purposes, or other such undertakings.

1300.14 Removal or Damage of a Tree. Any activity that injures or jeopardizes the growth and sustainability of a tree, including without limitation cutting down, digging up, pushing over, burning, poisoning, grading, topping or cutting.

1300.15 Root Protection Zone. For purposes of this Ordinance, Root Protection Zone shall have the same meaning as Tree Protection Zone.

1300.16 Root Pruning. The cutting of tree roots following accepted horticultural standards for the preservation of the tree.

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1300.17 Single-Family Parcel. A parcel in an area that is zoned or used for residential purposes that does or will contain a building designed, constructed, and used for one residential dwelling unit.

1300.17.1. Occupied Single Family Parcel. A single family parcel that contains a habitable structure for which a permanent certificate of occupancy has been issued.

1300.17.2. Unoccupied Single Family Parcel. A single family parcel that does not contain a habitable structure.

1300.18 Tree Fund. A fund established by the County for money collected from fines from enforcement action under Article XIII. Such funds shall be used by the County to plant trees and install landscaping in public areas. Funds shall be used in the area -- the Rural Area Tree Overlay Zone or Urban Area Tree Overlay Zone -- where the fines were collected.

1300.19 Tree Professional. Tree Professional shall mean and include a certified arborist certified by the International Society of Arborists, a registered consulting arborist who is a member of the American Society of Consulting Arborists, a board certified master arborist, a registered forester, or an individual with a degree in urban forestry who is actively engaged in horticulture or forestry.

1300.20 Tree Protection Zone. The area around the base of a tree equal in feet to the DBH of the tree, e.g., a tree with DBH of fifteen (15) inches shall have a Tree Protection Zone of fifteen (15) feet. Except that in instances where the edge of the canopy extends further than the feet established by the DBH, the edge of the canopy shall establish the tree protection zone.

1300.21 Tree Topping. The cutting of the top of a tree so as to radically alter its shape or remove the nearly vertical leader stems on protected trees.

1301. GENERAL TREE REGULATIONS, COUNTY-WIDE

1301.1 Protected Trees in Georgetown County. This Section applies to all of Georgetown County, except where specific regulations are established for the two overlay zones. The regulations found in the overlay zones are in addition to the regulations found in this section. Protected trees for the two overlays are listed in the overlay sections.

No protected tree may be damaged or removed so as to jeopardize, prevent or stop its growth, unless a permit has been obtained from the Georgetown County Planning and Code Enforcement Department.

1301.2 Permits and Process. Tree removal permits for protected trees shall be required for all properties and shall be obtained from the office of the Zoning Administrator. A

tree permit is not required for limb and root pruning of protected trees. However, negligent pruning of trees shall be considered a violation of this ordinance. All pruning shall follow the latest version of the ANSI A300 standards.

When an application for a building permit, development permit or tree removal is submitted to the County, a tree plan shall be submitted to the Zoning Administrator. If a site is reasonably observable and accessible, in lieu of a written tree plan, the Planning Director or his or her designee may elect to visit the site to view the marked trees on the ground and determine their eligibility to be removed. No building, development or tree removal permit shall be issued until a tree plan has been reviewed by the Planning Director or designee and a final determination has been made. The Director or designee shall approve, approve conditionally or disapprove a plan. If the plan is disapproved or approved conditionally, the reasons for such action shall be stated in writing. The Zoning Department shall retain a copy of the decisions and basis for its decisions, and provide a copy to the applicant. *(Moved from Section 1301.4)*

1301.3 Prohibited Activities. In addition to the non-permitted removal or damage of protected trees identified in this ordinance, the following activities are also prohibited:

1301.3.1 Tree topping, unless such activity is taken as a result of a natural disaster.

1301.3.2 Removal of Waterway Trees. Protected trees, or any tree in excess of ten (10) inches DBH growing in waterways adjacent to residential or non-residential property and beyond certified property lines may not be removed unless the Zoning Administrator or Planning Director determines that no other way exists to install a permitted dock or deck. Such determination will be made in conjunction with DHEC-OCRM (Ocean and Coastal Resource Management) and the US Army Corps of Engineers if the activity is within their jurisdiction.

1301.3.3 Relocation and Removal of Legacy Trees. Legacy trees shall not be removed or disturbed, except that Legacy trees with a minimum diameter under eight inches may be relocated with the approval of the sponsoring individual or organization. If a legacy tree is planted in a County park, the County reserves the right to remove or relocate such tree on County property.

1301.3.4 Removal of Trees in Wetlands. No protected tree in a wetland that requires a permit from the State of Army Corps of Engineers shall be removed except where needed to provide an access road, install a dock or deck, or install utilities. Where possible, needed utilities shall follow an access crossing to reduce the footprint in the wetlands.

1301.3.5 Tree Protection Zone. Construction activities in the tree protection zone such as parking, material storage, concrete washout and burning are prohibited.

1301.3.6 Clearing for Sale Purposes. The cutting of protected trees for the sole purpose of clearing land or offering land for sale or development is prohibited. *(Amended Ord. 2021-23)*

1301.4 Permits and Processes. See Section 1301.2

1301.5 Landscaping and Buffering Requirements. Nothing in this Article shall negate compliance with Article XII (Buffer Requirements) of this Ordinance.

1301.6 Tree Plan Requirements. A tree plan, if required by the County, shall include the following elements:

1301.6.1 Location, DBH, species, canopy measurement or tree protection zone and total of all Protected and Grand trees on site.

1301.6.2 Designation of tree protection zones with identification of trees to be retained, and locations of tree replacement; notation of specifications for protection of trees to be retained during development; and methods of tree protection for all tree protection zones, including tree fencing, erosion control, tree wells, retaining walls, terraces, tunneling for utilities, aeration systems, transplanting and staking.

1301.6.3 The identification and location of any protected trees planned for removal by placing an obvious X within a circle over the tree to be removed overlaid with the locations of proposed structures, parking areas, driveways and stormwater features.

1301.6.4 Limits of clearing and land disturbance such as grading, trenching, material storage, etc.

1301.6.5 Proposed location of all underground utilities should be indicated. If an irrigation system is utilized, the location of the lines and heads must be shown.

1301.6.6 Storm water swales and ponds.

1301.6.7 The name, address and telephone number of the applicant.

1301.6.8 Tree replacement plan including caliper size and species for all replacement trees. *(Amended Ord. 2021-23)*.

1301.6.9 Calculations demonstrating compliance with the tree retention and replacement requirements of this Article. *(Amended Ord. 2021-23)*.

1301.6.10 The County in its discretion may require that a Tree Professional review a tree plan if there is a question concerning tree type, size, health, or risk to a tree or surrounding trees.

1301.7 Subdivisions and Multi-Family Developments. All projects shall be designed so that the buildable areas on lots minimize the need for removal of Grand or Protected trees. Lot lines should be platted and building layouts designed so that such trees will benefit the development by serving as design features and by mitigating stormwater runoff and erosion problems. To ensure that the placement of parcels and structures shall best minimize the removal or risk of damage to Grand or Protected trees, the location of trees should be established before conceptual parcel lines or building layouts are created. The Planning Commission and Planning staff shall examine subdivisions to assure compliance with this provision as well as ensure the minimization of the removal of other protected trees on the tract. *(Amended Ord. 2021-23).*

It is not the intent of this Section to indicate that only Grand trees are protected in new subdivisions. County staff or the Planning Commission shall work to save as many protected trees as possible. The removal of Grand trees for the installation of infrastructure in a new subdivision shall not be permitted without a variance from the Zoning Board of Appeals.

Tree removal permits for future individual parcels in minor or major subdivisions will not be issued at the beginning stage of a subdivision. Tree removal permits must be applied for when a building permit is sought for a particular parcel, not at the beginning stage of a residential subdivision. *(Amended Ord. 2021-23).*

1301.8 Mass Grading of Property. Mass grading of parcels for individual building sites where a building permit will be required is prohibited until and unless approved as part of a development project, regardless of the size of the area graded.

When fill material is applied to a site or soil shifted so as to cover the majority of a site, except building pads and street systems, protected trees must be protected and preserved by use of tree wells that will prevent added soil or fill from killing a tree. (See Appendix A for an example of a tree well.) Designs of tree wells require approval of Zoning or Planning staff prior to implementation. A developer or developer's engineer may present alternate means for saving a tree, but such alternate means may not be implemented unless and until approved by Zoning or Planning staff. In the event the site is excavated and the elevations decreased, tree protection measure such as terracing and retaining walls must be utilized.

1301.9 Mitigation Policy. (Moved to Section 1305.3)

1301.10 Maintenance of Trees. Following development, the property owner shall be responsible for maintaining the trees that were saved and/or planted. (See ANSI 300 standards for additional information on remedial tree care.) If any of the trees become diseased or damaged, the property owner shall be responsible for replacing the trees immediately after their removal. The Zoning Administrator or a designee may inspect replacement trees after one year of installation and as needed to ensure the health of the

trees. Additional replacement trees will be required if trees are deemed unhealthy at the time of inspection.

1301.10.1 As trees grow and mature, the Planning Director or designee may authorize removal of unhealthy or diseased trees, as needed to maintain the health of the surrounding trees, and may require, at owner's expense, a written report from a Tree Professional prior to authorizing the removal of any trees. In such cases, the Planning Director or designee may require replacement of any removed trees.

1301.11 Tree Protection Requirements. The following section applies to protected trees. A site inspection of tree protection may be scheduled by the applicant with a Planning or Zoning department representative for approval prior to the issuance of permits or the start of development activities for unoccupied single family and non-single family parcels. *(Amended Ord. 2021-23)*

1301.11.1 During all phases of land disturbance and construction, Protected trees and stands of trees designated to remain shall be protected from both direct and indirect damage as well as damage to trunk and crown injury.

1301.11.2 Protective Barriers. Prior to any land disturbance, suitable protective barriers shall be erected and maintained around all protected trees to be retained during development, so as to prevent damage. The Zoning Administrator or his or her designee shall be consulted regarding the specific type(s) of barrier(s) to be utilized and shall periodically visit the site during the construction stage to ensure compliance with all provisions of this Ordinance.

1301.11.2.1 Active protective tree fencing shall be installed during construction along the outer edge of and completely surrounding the protected area to include the area underneath the dripline of the canopy.

1301.11.2.2 These fences shall be a minimum of 4 feet high, constructed in a post and rail configuration. A four-foot orange polyethylene laminar safety fence is also acceptable.

1301.11.2.3 Passive forms of tree protection may be utilized in any area not subject to land disturbance.

1301.11.2.4 These areas shall be completely surrounded with continuous rope or flagging (heavy mill, minimum 4" wide).

1301.11.2.5 Grading or paving within the tree protection zone of any retained tree is prohibited. The required protection zone may be reduced by the Planning Director or designee in his or her discretion, as reasonably necessary for pedestrian or biking trails or to save a protected tree that would otherwise require removal, and may require, at owner's expense, a

written report from a Tree Professional prior to authorizing the reduction.
(Amended Ord. 2021-23)

1301.11.2.6 All trees to be protected shall be protected from the sedimentation of erosion material.

1301.11.2.7 Silt screening shall be placed along the outer edge of tree protective zones at the land disturbance interface. The screening shall be backed by 12-gauge 2 inch x 4 inch wire mesh fencing in areas of steep slope.

1301.11.2.8 All tree fencing and erosion control barriers shall be installed prior to and maintained throughout the land disturbance process and building construction.

1301.11.2.9 Prior to any land disturbance, the property owner or his agent must sign a “statement of awareness” acknowledging the tree protection requirements of this Article and the penalties for failure to comply. *(Amended Ord. 2021-23)*

1301.11.3 Encroachment Within Tree Protection Zone. In all cases where encroachment within the critical tree protection zone is deemed reasonably necessary and has been approved by the Planning Director or designee, the following regulations shall apply.

1301.11.3.1 Clearing activities: Wherever reasonably possible, a trench of a minimum of three (3’) foot depth shall be cut along the limits of land disturbance, so as to avoid tearing the roots of a remaining tree.

1301.11.3.2 Soil compaction: Where compaction might occur due to traffic or materials storage, the tree protection area shall first be mulched with a minimum 4 inch layer of processed pine bark or wood chips, or a 6 inch layer of pine straw.

1301.11.4 Utility installation: The installation of utilities through a Tree Protection Zone shall occur in the manner least detrimental to the existing protected trees. In all cases where roots must be cut, proper root pruning procedures shall be employed as required in ANSI A300 standards.

1301.11.5 Grade Changes: Protection from the potential damaging effects of grade changes shall be addressed. A decrease in grade shall be accompanied with the use of retaining walls or through terracing. An increase in grade shall be accommodated by use of tree wells or equivalent tree protection measures.

1301.11.6 Irreparable damage: Where the Zoning Administrator has determined that irreparable damage has occurred to trees within a tree protection area,

removal and/or replacement of the trees shall be required. In addition, penalties as outlined in Section 1305 may be imposed.

1301.12 Tree Replacement. Tree replacement, including a written plan, is required for all non-single family uses including, without limitation, commercial, industrial, non-profit, public and multi-family when such parcels lack sufficient number of trees to meet the requirements of Section 1301.13 dealing with the preservation of tree canopy. Any person who removes a Protected tree without a permit shall be strictly subject to Section 1305.3, Mitigation and Reforestation. The removal of diseased, decaying or hazardous trees does not require tree replacement, however a written report, at owner's expense, certifying the condition of the tree may be required from a Tree Professional prior to the removal of any trees. *(Amended Ord. 2021-23)*

1301.12.1 When any parcel lacks sufficient numbers of trees to meet the required DBH inches/number of trees per acre in Section 1301.13 Preservation of Tree Canopy, all protected trees must be maintained and must equal to no less than 40" per acre combined DBH. On lots with less than 40" per acre combined DBH, additional trees shall be planted on the lot equaling or exceeding 40" per acre combined DBH. If the Zoning Administrator or Planning Director determines that planting of replacement trees is not feasible due to conditions of the site, the owner may pay a fee equal to the value of the 3" caliper tree to the tree fund. Replacement trees may also count toward the landscaping and buffer requirements found in Article XI and XII of this Ordinance. *(Amended Ord. 2021-23)*

1301.12.2 If one or more Grand trees are removed from a site with approval from the Zoning Administrator or Zoning Board of Appeals, tree replacement will be required based on an inch per inch mitigation requirement or as determined by the Zoning Administrator or Zoning Board of Appeals. *(Amended Ord. 2021-23)*

1301.12.3 The replacement plan shall take into consideration the general landscape characteristics of the site, defined by the density of plant material in the immediate and surrounding areas, and any distinctive grouping of trees or other landscaping features. It shall contain a strategy for retaining those characteristics. *(Amended Ord. 2021-23)*

1301.12.4 Planting Requirements. The applicant, while planting trees, shall consider the following:

1301.12.4.1 The spacing of replacement trees shall take into consideration the eventual size at maturity of selected species.

1301.12.4.2 Species selected for replacement shall be quality specimens 50% of which must be selected from the protected tree list found in the Rural Overlay Zone regardless of which overlay the subject property is located. The remaining 50% of replacement trees must be of a species

approved by the Zoning Administrator, Planning Director or their designee.

1301.12.4.3 All replacement trees shall be at least three inches caliper in size.

1301.12.4.4 Protected tree and stands of trees shall be replaced by species with potential for comparable size and growth.

1301.12.4.5 Species replacement shall be subject to the approval of the Zoning Administrator, Planning Director or their designee.

1301.12.4.6 If tree replacement is not possible, a donation shall be made to the Tree Fund equal to the value of a 3” caliper tree.

1301.12.5 Frontage. For all parcels referenced which contain 100 feet of frontage or more on Highway 17 Bypass, Highway 17 Business, Highway 701, Highway 707 or Highway 521; where replacement trees are required at least one of the required replacement trees must be planted for every 100 feet of highway frontage within twenty (20) feet of the front property line. Existing protected trees within twenty (20) feet of the front property line may count toward this requirement. Replacement trees shall not be planted as to eventually interfere with overhead utility lines. Parcels that contain overhead utilities along the front may locate the required replacement trees further back than twenty (20) feet if necessary in order to provide safe clearance from utility lines. *(Moved from Section 1301.14)*

1301.13 Preservation of Tree Canopy. A minimum of 10 trees (minimum 6” DBH or greater) or 100 inches of DBH must be retained per acre. Roads, parking areas, drive aisles, paths and other site features should be designed around the canopies of existing trees to the greatest extent possible. Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate these requirements. If the Zoning Administrator or Planning Director determines that protected trees must be removed to allow for reasonable use of the site for non-single family residential, Section 1301.12.1 will be used for required tree replacement, however the number of DBH inches for replacement trees must equal at least 100” per acre for the total site (minus drainage and wetland areas). See Section 1301.12.1 for sites with less than required number of trees or DBH inches prior to development. *(Amended Ord. 2021-23) (moved from Sections 1302.2.11 and 1303.4.2)*

1301.14 Frontage. *(Moved to Section 1301.12.5)*

1301.15 Waiver to Setbacks for Grand Trees. If the Zoning Administrator or Planning Director determines that a reduction in the required setbacks found in Article VII of this ordinance is necessary to facilitate the retention of a grand tree, he or she may reduce

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such setbacks by 50% beyond the minimum requirement. This waiver shall not apply to the 90 foot front yard setback for Highway 17 found in Section 409 of this Ordinance. *(Amended Ord. 2021-23)*

1301.16 Variance Request for Tree Removal. Any variance granted by the Zoning Board of Appeals regarding removal of a Protected Tree must include one of the following findings:

1301.16.1 The tree presented a safety hazard to pedestrian or vehicular traffic, buildings, structures or utility structures; or

1301.16.2 Removal of the tree presented the only reasonable means to comply with appropriate applicable governmental regulations including parking, ingress or egress or other required infrastructure such as stormwater; or

1301.16.3 Reasonable use of the property will be significantly impaired.

1302. **RURAL AREA TREE OVERLAY REGULATIONS.** In addition to all other regulations in this Article, the following regulations shall also apply in the Rural Area Tree Overlay Zone. The rural area is defined as all of Georgetown County not located on the Waccamaw Neck which is between the Horry County boundary, the Waccamaw River and the ocean. The following trees are protected in the rural overlay zone.

Live Oaks (<i>Quercus virginiana</i>) Laurel Oaks (<i>Quercus laurifolia</i>)	12”
Red Maple (<i>Acer rubrum</i>)	12”
Bald Cypress (<i>Taxodium distichum</i>)	12”
Pond Cypress (<i>Taxodium ascendens</i>)	12”
Southern Magnolia (<i>Magnolia grandiflora</i>)	12”
Yellow Poplar (<i>Liriodendron tulipifera</i>)	12”

1302.1 Occupied Single Family Residential Requirements. All occupied single family parcels as defined in Article III of this ordinance are exempt from both tree protection and tree replacement provisions found in this Article.

1302.2 Unoccupied Single Family Residential and Non-Single Family Requirements. Such lots or developments shall meet the general tree protection provisions found in Section 1301 of this ordinance. This section does not apply to residential tracts of land proposed for subdivision and prior to the installation of infrastructure. See Section 1301.7 Subdivisions and Multi-Family Developments for these requirements. See Section 1304.10 for regulations specific to industrial uses. No Protected Tree nor Grand Tree shall be removed unless the Planning Director or a designee makes a determination that:

1302.2.1 A tree is dead or diseased.

1302.2.2 A tree is, or is likely to become, in such an advanced stage of decay it threatens life and/or property, or

1302.2.3 A tree is leaning in such a way as to pose an immediate threat to a structure or its roots are causing damage to the structure's foundation. A written report, at owner's expense, certifying the condition of the tree may be required, in the discretion of the County, from a Tree Professional prior to removal of any such tree. *(Amended Ord. 2021-23)*

1302.2.4 A trunk of a tree is within ten (10) feet of a habitable or accessory structure.

1302.2.5 A tree blocks visibility to a road or drive and presents a risk to traffic or pedestrian safety.

1302.2.6 In cases where a Protected Tree is in the footprint of a planned building pad, the County cannot require the planned habitable building to be decreased in size but can require the building pad to be shifted. This same provision shall also apply to farming structures.

1302.2.7 A Protected Tree is in the only reasonable location for a necessary driveway.

1302.2.8. A tree is in excess of the minimum requirements for the preservation of tree canopy under Section 1301.13. *(Amended Ord. 2021-23)*

1302.2.9 The Planning Director or designee may identify other justifications warranting tree removal.

1302.2.10 The following are not reasons to approve the cutting of the trees referenced in this section:

1302.2.10.1 The tree is dropping leaves or debris that has to be removed.

1302.2.10.2 A swimming pool will be too close to such tree. This swimming pool provision relates to Grand trees, not protected trees.

1302.2.10.3 A tree is too close to a driveway.

1302.3 Rural Overlay Buffer Requirements. For all major subdivisions or multi-family developments with more than ten (10) units, a minimum of a 25 foot buffer shall be retained along the street frontage of Highway 701, 51, 521 or 17 South. Such buffer shall be platted as open space or common area and shall be maintained/retained as an undisturbed, naturally forested area. Encroachments may be allowed for approved stormwater management devices, ingress and egress, permitted signage, lighting, bike/ped facilities, utilities and other necessary appurtenances such as fire hydrants,

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mailboxes and utility boxes. Maintenance of the understory shall be permitted including but not limited to clearance of dead vegetation and removal of invasive species.

1303. **URBAN AREA TREE OVERLAY REGULATIONS (i.e. WACCAMAW NECK).** In addition to all other regulations in this Article, the following regulations shall also apply in the Urban Area Tree Overlay Zone. The urban area is defined as the Waccamaw Neck which is between the Horry County boundary, the Waccamaw River and the Ocean.

1303.1 **Protected Trees.** All trees of at least ten (10) inches DBH, except for Palmetto (*Sabal palmetto*), Bradford Pear (*Pyrus calleryana*), Pecan Trees (*Carya illinoensis*), Pine Trees (other than Longleaf/*Pinus palustris*), Sweet Gums (*Liquidambar styraciflua*), Crepe Myrtles (*Lagerstroemia indica*) and Wax Myrtles (*Myrica cerifera*) are protected in this overlay. Longleaf Pine Trees of at least fifteen (15) inches DBH are only protected on non-single family parcels. (*Amended Ord. 2021-23*)

1303.2 **Occupied Single Family Residential Requirements.** All occupied single family parcels as defined in Article III of this ordinance are exempt from tree replacement found in Section 1301 of this Article.

No person shall remove or damage a Protected or Grand Tree without an approved tree removal permit from the County issued based on the standards found in Section 1303.4.1. Additionally, Section 1301.3.2, Removal of Waterway Trees, shall be enforced.

1303.3 **Unoccupied Single Family Residential Requirements.** Protected Trees as defined in Section 1303.1 shall not be removed without approval from the Planning Director or a designee. The provisions found in Sections 1301 and 1302.2 of this ordinance shall apply. Removal of protected trees is not permitted until a building permit is issued for the site.

1303.4 **Non-Single Family Requirements.** The following sections apply to non-single family parcels only. The term non-single family includes commercial uses as well as churches, public facilities and multi-family developments. This section does not apply to residential tracts of land proposed for subdivision and prior to the installation of infrastructure. See Section 1301.7 Subdivisions and Multi-Family Developments for these requirements. See Section 1304.10 for regulations specific to industrial uses.

1303.4.1 **Protected Trees.** Healthy grand trees on non-single family parcels shall not be removed without a variance from the Zoning Board of Appeals. Within the entire property, no protected, tree shall be removed or damaged unless the Planning Director or designee determines in writing by issuance of a permit that:
(*Amended Ord. 2021-23*)

1303.4.1.1 A tree is hazardous, dead or diseased.

1303.4.1.2 The removal of the tree is necessary to maintain the appearance, health or vigor of the remaining trees.

1303.4.1.3 No practical alternatives for the reasonable use of the property exist.

1303.4.1.3.1 In making a determination regarding reasonable use, the Planning Director or designee shall not require that any proposed building be reduced in size.

1303.4.1.4 A tree is leaning in such a way as to pose an immediate threat to a structure or its roots are causing damage to the structure’s foundation. A written report, at owner’s expense, certifying the condition of the tree may be required, in the discretion of the County, from a Tree Professional prior to removal of any such tree. *(Amended Ord. 2021-23)*

1303.4.1.5 A tree is in excess of the minimum requirements of Section 1301.13 regarding the preservation of tree canopy. *(Amended Ord. 2021-23)*

1303.4.1.6 A Protected Tree is in the only reasonable location for a necessary driveway.

1303.4.1.7 The Zoning Administrator, Planning Director or a designee may identify other justifications warranting tree removal.

1303.4.1.8 The following are not reasons to approve the cutting of the trees referenced in this section: *(Amended Ord.2021-23)*

1303.4.1.8.1 The tree is dropping leaves or debris that have to be removed. *(Amended Ord. 2021-23)*

1303.4.1.8.2 A swimming pool will be too close to such tree. This swimming pool provision relates to Grand trees, not protected trees. *(Amended Ord. 2021-23)*

1304.1.8.3 A tree is too close to a driveway. *(Amended Ord. 2021-23)*

1304. **EXCEPTIONS TO ARTICLE XIII.** The following are exempt from the restrictions of Article XIII.

1304.1 Unhealthy Trees. If any Protected trees, including Grand Trees, are determined by the Zoning Administrator to be diseased, injured or located in a manner that endangers the public health, safety or welfare, the Planning Director or designee may authorize removal of such tree. Prior to authorizing the removal of any such tree, the Planning Director or designee may require the requesting party to provide, at their own expense, a written report from a Tree Professional.

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1304.2 Natural Disaster and Force Majeure. Immediately after any natural disaster resulting in catastrophic loss or damage to trees, any felled trees or trees damaged beyond reasonable recovery may be removed without a permit. Any question of whether a tree is damaged beyond recovery and subject to removal without a permit shall be resolved by the Planning Director or designee in his or her discretion. County Council shall determine events of catastrophic loss or damage. Any tree lost that was part of a required tree replacement, landscaping or buffer plan shall be replaced on a 1:1 basis with a tree of at least 3” diameter.

1304.3 Utilities. The ability of public utilities and electric suppliers to maintain safe clearances around existing utility lines shall not be affected by this ordinance. This exemption shall include public and private solar farms; excluding external buffer requirements. Tree cutting not necessary for the safety or proper operation of the utility shall be subject to the provisions of this ordinance. Trees may be removed from existing ditches or stormwater infrastructure if and to the extent necessary to correct impediments to adequate operation of the system. Trees located along drainage swales may not be removed unless an engineer provides clear evidence that the stormwater system is measurably impacted by the tree. If the subject tree and swale are located in a County easement or are a part of a County approved stormwater system, this determination shall be made by the County Public Works Director who shall consult the Planning Director.
(Amended Ord. 2021-23)

The exemptions for public utilities regarding removal of trees shall not apply to private parties installing utilities in public rights-of-way or easements. ~~Such~~ Private installations of utilities shall remain subject to and regulated by this ordinance. As used herein, “private parties” shall not include companies or cooperatives providing public electric, water, sewer or gas utility, nor the supplier, employees, agents or assigns thereof engaged in public service. *(Amended Ord 2019-26)*

1304.4 Golf Courses. The removal or pruning of protected trees for the development and maintenance of golf courses excluding sites for clubhouses, shed and other amenities shall not be affected by this ordinance.

1304.5 Rights-of-way, easements and public utilities. Public road rights-of-way except those relating to subdivisions referred to in Section 1301.7, easements for utilities and drainage, wells, lift stations and water storage tanks shall be exempt from this ordinance. However, the installation by a private party of utilities in a right-of-way or easement as stated in section 1304.3 of this ordinance is not exempt from this ordinance. As used herein, “private parties” shall not include any public electric, water, sewer or gas utility, supplier or the employees, agents or assigns thereof. *(Amended Ord. 2019-26)*

1304.6 Farming. Farming operations including tree farms for pulpwood, lumber, horticultural use and other tree products. This exception does not apply if the owner of a tract rezones the property to allow for farming activities and then converts said tract for residential, commercial or industrial development within a five year time period measured from the date of the rezoning. In this case, the property owner will be required

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to replant trees on the site based on the mitigation policy provided in Section 1305.3 of this ordinance.

1304.7 Commercial Timbering Operations. Commercial timber harvesting operations by legitimate timber or logging companies are exempt from the provisions of this ordinance. Unless previously approved as part of a development plan prior to harvesting operations, removal of trees under 1304.7 shall result in a restriction on rezoning of a harvested tract of land to a higher density, or commercial designation for a period of up to three years. The property owner has the burden of proof to prove that any land clearing is a commercial timber operation.

(Amended Ord. 2021-23)

1304.8 Shooting ranges. Trees located between the shooting stations and the targets of County-permitted or grandfathered commercial outdoor shooting ranges are exempt from this ordinance.

1304.9 Aircraft. Removal of trees to maintain safe clearance for aircraft. *(Amended Ord. 2021-23)*

1304.10 Industrial Property. Protected and Grand trees on industrially utilized property are exempt from this Article. Trees that serve as part of required buffers or landscaping requirements on industrial properties are not exempt. *(Amended Ord. 2021-23) (Moved from Section 1301.13)*

1304.11 Forestry. Forestry activities on Forestland for the purposes of a Forest Management Plan as those terms are defined in SC Code of Laws 48-23-205. Unless previously approved as part of a development plan prior to harvesting operations, any removal of trees under 1304.11 shall result in a restriction on rezoning of a harvested tract of land to a higher density, or commercial designation for a period of up to three years.

1305. **ENFORCEMENT AND REMEDIES.** Any party or person, except as may be exempted under section 1304, who violates any provision of this Article shall be subject to the following penalties:

1305.1 Fines and Penalties.

Any party who removes or damages a protected tree in violation of this ordinance shall be subject to Withholdings under 1305.4, or a fine in an amount up to \$500 per inch of the caliper measurement of the tree, or both in the discretion of the Planning Director, or designee. In all cases where the stump of a tree has been removed or damaged such that a caliper measurement cannot be reasonably estimated, absent other reliable evidence, the fine shall be assessed based on a minimum caliper measurement of 24 inches.

Any person who removes or damages a protected tree in violation of this ordinance shall be subject to Withholdings under 1305.4, a fine in an amount up to \$12,000.00 per tree, or both in the discretion of the Planning Director, or designee.

1305.2 General Penalty. In addition to the above fines, any violator may be subject to the provisions established in Chapter One, General Provisions, Section 1-6, of the Georgetown County Ordinances, except that the misdemeanor violation fee shall be determined as stated in Section 1305.1 above, and shall not be subject to imprisonment. Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in this Article. All monies collected as a result of the enforcement of this Article will be placed in the Tree Fund and used by the County for the purpose of planting trees and installing landscaping in public areas. *(Amended Ord. 2021-23)*

1305.3 Mitigation or Reforestation. Any protected tree removed on a non-single family parcel without permit authorization, or that cannot be issued a permit after-the-fact, or whose removal would have been denied by staff, must be replaced with three (3) trees each of three (3") inch caliper, and of a species categorized as Protected. Reasonable effort should be made to replace removed trees with trees of the same species to preserve the biological diversity of the site. Removal of grand trees without a permit will require tree mitigation based on an inch per inch requirement. *(Amended Ord. 2021-23)*

If the Zoning Administrator determines that an act of clear-cutting of a Protected Tree has occurred on site prior to issuance of a development or tree removal permit and the number and size of the removed trees is unknown, 40" DBH per acre must be replaced on the site using three (3") inch caliper trees. *(Amended Ord. 2021-23).*

In cases in which the Planning Director or designee determines, in its discretion, that mitigation or reforestation of trees is not reasonable or desirable due to the size or shape of the property, presence of structures, the crowding of trees, or other limitations or constraints, the mitigation or reforestation of the tree(s) shall be substituted by a payment to the tree fund prior to the issuance of any approvals or permits. The fee shall be equal to the total of all trees to be planted times the cost of a 3" caliper tree of same or similar species.

In the event that the mitigation or reforestation of trees is not feasible due to the season or other weather conditions, the County may accept a financial guarantee in the amount of the installed costs plus twenty-five (25) percent.

If any property is sold, after the act of clear-cutting by a previous owner, the new owner shall assume the responsibility for mitigation and it will be the new owner's obligation and claim to seek redress and recover cost from the previous owner who committed the act, if the new owner chooses to pursue any such claims. *(Amended Ord. 2021-23)*

1305.4 Withholding Approvals. In all cases in which a protected tree is removed prior to receiving all necessary permits from the County, or in any other violation of this ordinance, the Planning Director or designee may withhold or deny any permit(s), whether for building or otherwise, whether applied for, pending, or approved, and restrict or stop any further land development, construction, or tree removal on the property for a period of up to three years from the date of the discovery of the violation, or completion of other remediation satisfactory to the County in its discretion.

1305.5 Stop Work Orders. Any project underway when a tree ordinance violation occurs is subject to a stop work order either for the phase of the project or the entire project as the Planning Director or designee may in his or her discretion elect to issue. The stop work order shall be lifted only after corrective action is completed including, without limitation, 1) the payment of all applicable penalties; 2) submission of a mitigation plan to the County, and 3) County approval of the mitigation plan.

Nothing herein above shall prevent the County from maintaining the stop work order for a period of time beyond the corrective actions being taken, when in its discretion the stop work order is necessary to prevent further violations, ensure future compliance, conduct further investigation, or upon other reasonable grounds as may be warranted.

1305.6. Appeals. Appeals from decisions of the Planning Director or designee under this Article, including requests for variance or other relief from a requirement of Article XIII, shall be to the Zoning Board of Appeals, and shall be made by the party who is the subject of the decision, and filed within thirty days of receipt of the decision being appealed.