

## **ARTICLE XIV. TREE PROTECTION REGULATIONS; PRIVATE PROPERTY**

### ***1400 Tree removal, damage, or abuse prohibited.***

It is hereafter prohibited for any person or other entity to cause or allow to be caused the removal, damage, or abuse of any protected tree, as defined in Article III of this Ordinance, which is situated upon any privately owned parcel of land within the corporate limits of the City of Georgetown without first obtaining a permit to do so from the Zoning Administrator.

### ***1401 Tree topping prohibited.***

It is hereafter prohibited for any person or other entity to prune a tree to the extent that such pruning is considered to be tree topping.

### ***1402 Protected trees during development.***

For parcels of land proposed for development, a minimum number of existing protected trees on the entire parcel equal to ten protected trees per acre shall be saved. For parcels containing fewer than ten protected trees per acre, the number of protected trees required to be saved shall equal the total already in existence on the parcel. Any tree required under the parking and landscaping provisions herein may count toward fulfilling the tree replacement requirements of this Article. Special consideration will be given to protected trees situated within the one-hundred-year floodplain, as their removal can cause critical flooding and soil erosion problems.

### ***1403 Tree protection practices during development.***

*1403.1 Protective barricades required.* Protective barricades shall be placed around all protected trees located in the development area prior to the commencement of any work, and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction materials, debris, machinery, vehicles and development activities. Barricades shall be erected at a minimum distance from the base of a protected tree according to the following standards:

*1403.101* For protected trees under ten inches DBH, protective barricades shall be placed a minimum distance of five feet from the base of each protected tree, or to the dripline, whichever is greater.

*1403.102* For protected trees greater than ten inches DBH, protective barricades shall be placed a minimum distance of ten feet from the base of each protected tree, or to the dripline, whichever is greater.

*1403.2 Encroachment.* Changes of grade or construction of impervious surfaces or utilities may be permitted within the protective barricade subject to the following guidelines:

*1403.201* Impervious surfaces may not be constructed within five feet of the base of any protected tree smaller than ten inches DBH; nor within ten feet of the base of any tree ten inches or larger DBH unless special construction techniques, including, but not

limited to, tree feeders and porous asphalt, are employed and certified as acceptable by a reputable tree expert or other qualified person.

*1403.202* All roots outside of the protective barricade to be removed during the development of a parcel shall be severed clean and a two-inch layer of mulch shall be applied over the surface of exposed roots.

*1403.203* The installation of utilities through a protective zone should occur by way of tunneling rather than trenching. No tunneling may occur within five feet of the trunk of a protected tree. If roots must be cut, proper root pruning procedures must be employed.

*1403.204* Moderate fill can be tolerated within a tree's critical root zone with the proper utilization of an aeration system. Commercially available systems are subject to approval by the City Grounds Maintenance Supervisor. A decrease in grade is best accomplished with the use of retaining walls or with terracing.

*1403.205* Where it has been determined by the City that irreparable damage has occurred to protected trees within tree protective zones, the trees must be removed and replaced.

*1403.206* Remedial site reclamation and tree care procedures shall be required when encroachment into the tree protective zone results in repairable damage to a protected tree. Standard arboricultural practices, including, but not limited to, pruning, aeration, grade changes, fertilization, or any other recommended practice made by City staff shall be employed to effect remediation and repair.

*1403.207* In the event of an appeal to any section of this Article, the City reserves the right to employ the advice of professional foresters, horticulturists, arbor culturists, or any other qualified tree expert in representing the best interests of the City.

***1404 Tree removal, replacement, and relocation.***

*1404.1* Removal of each protected tree or replacement tree without approval of the Zoning Administrator or his designee is a violation of this Ordinance, and the violator may be subject to replacing trees in caliper inches equal to the number of inches DBH removed from the site, in addition to the standard penalties for violation of this Ordinance.

*1404.2* Relocation is accomplished by relocating a protected tree, under the guidance of City staff, with a tree spade on land under the same ownership which is to be developed pursuant to the same development order.

*1404.3* Replacement for all sites. When development of a site will cause the number of protected trees saved on a parcel to fall below the ten minimum specified under Section 1402, then the following replacement schedule shall apply:

*1404.301* Regardless of zoning classification, replacement of significant trees shall be on a one tree to one tree ratio. Historic or scenic trees are governed under Section 1405.

1404.4 Replanting standards. To prevent a monoculture of tree plantings, the City of Georgetown requires a diversity of trees to be planted:

*Required Number of Replacement Trees:*

1--3 trees: One type of replacement tree may be used.

4--8 trees: Minimum of 2 types of trees to be planted.

9--15 trees: Minimum of 3 types of trees to be planted.

16--50 trees: Minimum of 4 types of trees to be planted.

Over 50 trees: Minimum of 6 types of trees to be planted.

1404.5 For any protected tree situated in a one-hundred-year floodplain, the tree replacement requirements shall be one and one-half the number required otherwise.

1404.6 Timing of tree replacement. All approved replacement trees must be planted within thirty days of the first date of the recommended planting season for that species, as determined by a registered nursery operator, landscape architect, tree expert or the City Grounds Maintenance Supervisor. Replacement trees not so planted will constitute a violation of this Ordinance.

**1405 Historic and scenic trees.**

It shall be unlawful to damage, remove, fell, injure, or abuse any historic or scenic tree. In the event that this provision causes undue hardship upon a property owner, he or she may make application to the Board of Zoning Appeals for relief from this provision. The property owner must provide proof that strict application of this provision will exclude all reasonable use of the property as a building site. A successful appeal to remove an historic or scenic tree will then necessitate the property owner to meet with the Zoning Administrator to determine an acceptable schedule of replacement, depending on the value of the historic or scenic tree(s) removed.

**1406 Site plan submission requirements.**

In addition to the information required on site plans pursuant to other sections of the Zoning Ordinance, site plans for nonresidential and multi-family residential developments shall contain the following information:

1406.1 A registered survey of existing protected trees prepared by a South Carolina licensed Landscape Architect, Surveyor or Civil Engineer. Such survey shall indicate the location, species, and size (DBH) of each protected tree. Once such a comprehensive survey is on file with the Zoning Administrator, future tree-cutting proposals may be applied for by updating the existing plan on file. Such updates may be submitted without further requirements for certification by the engineer, architect, and landscape architect or surveyor.

1406.2 Trees to be retained with their location shown with reasonable accuracy.

1406.3 Specifications for protection of trees to be maintained during the development of the site.

1406.4 A tree replacement schedule in the event that the minimum number of trees per acre specified in Section 1402 cannot be retained during the development process. Such schedule shall show the location, species, and size of any trees to be removed from the site; and any that are to be planted in order to fulfill replacement requirements.

1406.5 Site plans for single-family or duplex residential developments must show protected tree locations in a reasonably accurate manner, but need not necessarily be prepared by a licensed surveyor, architect, landscape architect, or engineer.

1406.6 No building permit shall be issued until the site plan has been reviewed and approved by the Building Official or his designee. If the plan is disapproved or approved conditionally, the reasons for such action and the necessary steps to gain full approval must be relayed to the developer.

#### **1407 Exemptions and exceptions.**

1407.1 The Zoning Administrator may issue a letter authorizing immediate removal of a protected tree, in the event that such tree shall be determined to meet one of the following criteria:

1. It is diseased, decayed, infested, or in a poor state of health that will likely significantly reduce the natural life span of the tree; or
2. It is determined to pose a risk to life or property due to likely potential of limb and/or trunk failure. The Zoning Administrator may consult the opinion of any recognized tree expert, as defined herein, in concluding that there is the possibility of risk.
3. It is determined that, due to the significant tree's location within the building envelope on the property, all reasonable use of the property is severely restricted or prohibited. The building envelope is defined as the area of the lot remaining after all required setbacks have been applied. "Reasonable use" for nonresidential uses is defined as having a minimum of seventy-five (75) per cent of the building envelope unobstructed by a significant tree or trees (which may include the tree's canopy). For residential uses, "reasonable use" is defined as having a minimum of thirty-five (35) per cent of the building envelope unobstructed by a significant tree or trees (which may include the tree's canopy).

1407.2 In the event of an emergency, such as a tornado, earthquake, hurricane, ice storm, flood or any other act of nature, the Mayor or his assignee may order a suspension of this Article to allow for the cutting and removal of felled or damaged trees without a permit until such time as is deemed appropriate.

1407.3 No provision of this Article shall be deemed to restrict the proper and necessary pruning or removal of trees on private property by any utility company, as long as such actions are done according to good arboricultural practices as specified by the City Tree Protection Board to the extent possible.

1407.4 Protected trees that need to be removed in order to carry out a permitted wetland alteration and/or any mitigation action required by the U.S. Army Corps of Engineers are exempt from the provisions of this Article.

1407.5 Commercial timber operations shall be exempt from the provisions of this Article, except that a fifty-foot-wide perimeter buffer around the site of timber operations shall be maintained in which no trees may be removed.

1407.6 Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this Article with respect to their removal from the commercial site upon which they are grown.

1407.7 Trees situated in whole or in part on publicly owned property are exempt from the provisions of this Article.

(Ord. of 10-17-2002)

**1408 Permit fees.**

1408.1 *Residential property.* A ten-dollar fee must be paid to the City to cover the costs of site plan approval of any site plan in which protected tree removal is proposed.

1408.2 *Commercial, industrial, institutional uses.* A fifty-dollar fee must be paid in order to cover the cost of site plan review of parking, landscaping, and tree removal/replacement plans.

**1409 Fines and penalties.**

Any person found guilty of violating any provision of this ordinance Article shall be guilty of a misdemeanor, with each tree unlawfully removed, damaged, or abused considered to be a separate offense.