

Proposed tree and landscaping ordinance:

12-11. – Trees and Landscaping.

- (A) *Purpose.* Trees and areas of understory growth are essential, natural and aesthetic resources that play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, controlling erosion and contributing to the unique heritage and beauty of Pawleys Island. Pawleys Island's special natural environment is ecologically fragile and is difficult to replace once it has been disturbed. This article is intended to protect the natural beauty of Pawleys Island.
- (B) *Survey.* All applications for new developments in the town must include a topographical and tree survey prepared by a South Carolina registered land surveyor or a South Carolina licensed landscape architect. The survey must be in the same scale as the drawings submitted pursuant to article 12-7(B). The survey shall include the following:
- 1) Date of survey preparation, which must be within 12 months of its submittal, address, property owner and name of the registered land surveyor or licensed landscape architect who prepared the survey.
 - 2) The topographical contours of the lot.
 - 3) The location of all trees over 4" DBH, including botanical name, common name, size and canopy line.
 - 4) Locations of trees proposed to be removed or relocated.
 - 5) Locations of proposed replacement trees, including size and species.
- (C) *Removal of trees requiring ARB approval.* No tree over 4" DBH may be removed from the border area without ARB approval, except in the following circumstances:
- 1) The tree is hazardous, diseased or injured to the extent it is irreparably damaged, as documented by a qualified arborist.
 - 2) The tree is an invasive species as designated on the *Nonnative Invasive Plants of Southern Forests* registry published by the US Department of Agriculture.
 - 3) The tree is in competition with trees that are not proposed to be removed, as documented by a qualified arborist.
- (D) *Permitted removal of trees.* Tree removal is permitted within the buildable area of the lot, but the ARB in its discretion may require mitigation pursuant to article 12-11(F).
- (E) *Protection of trees during construction.* Protective barricades must be installed around trees designated not to be removed for the duration of the construction.
- (F) *Mitigation.* If any trees within the buildable area of the lot are removed, the ARB in its discretion may require mitigating replacement as follows:
- 1) The replacement trees shall be native species such as oak, magnolia, palmetto or hickory, as agreed between the applicant and the ARB.
 - 2) The replacement tree shall have a DBH designated by the ARB, with minimum 4" DBH and a maximum DBH not larger than the tree being replaced.
 - 3) The replacement trees used shall be vigorous, well-shaped, branched and foliated.
 - 4) Replacement trees must be planted within 180 days of the issuance of a certificate of occupancy.
 - 5) If replacement trees will not fit on a lot then in the ARB's discretion the ARB may require location of the replacement tree in a common, open or park area of the town.

(G) *Remedies*. The unauthorized removal, relocation or destruction of trees is considered a serious violation of this article. For trees removed, relocated or destroyed in violation of this article, the ARB in its discretion may impose any one or more of the following remedies. All such remedies are unique to the circumstances of the violation and as such are not precedent setting.

- 1) Grant after-the-fact approval.
- 2) Require mitigation pursuant to article 12-11(F).
- 3) Assess a fine in an amount equal to \$500 per inch of DHB of the removed tree.
- 4) Suspend the building permit for the property until corrective action has been completed.
- 5) Prohibit a contractor from working on Pawleys Island in circumstances where the contractor has acted in flagrant violation of this article, either permanently or for a period of time specified by the ARB.
- 6) Elect to pursue appropriate legal action.

(H) *Landscaping recommendations*. In addition to the requirements of this article 12-11, the Architectural Design Guidelines manual sets forth numerous recommendations regarding trees and landscaping.

Definitions to be added to article 2:

Border area: The area of a lot that is between the property line and the setback line of the lot.

Buildable area: The area of a lot within applicable setback lines where building can occur.

DBH: Diameter breast height, being the diameter in inches of a tree measured at four feet from the ground.

Recommendations for trees and landscaping to be added to the Architectural Design Guidelines manual:

Encouraged tree and landscaping elements.

In addition to the foregoing architectural design elements, the Architectural Review Board encourages property owners to adopt practices to preserve the heritage and natural beauty of Pawleys Island:

1. Landscaping should be consistent with the natural beauty of the Island.
2. Care should be used in the selection of trees, plants and flowers for size, tolerance of a salt-air environment and resistance to drought, flooding and wildlife.
3. The use of native or drought tolerant plants is recommended to reduce irrigation needs.
4. Invasive species should not be used.
5. Removal of a tree greater than 4" DBH on lots that are already developed and on unimproved (vacant) lots is discouraged without planting of an appropriate replacement tree.
6. Removal of understory and ground cover is discouraged. As a barrier island, understory and ground cover are critical elements to control erosion and protect birds and other wildlife.
7. The cutting of forest canopy, or the thinning of its understory, may expose remaining vegetation to harmful salt-laden winds, resulting in damage. Cutting and thinning may also eliminate habitats that support wildlife. For these reasons, cutting and thinning should be kept to an absolute minimum.
8. The preservation and enhancement of natural buffers along lot edges is encouraged.
9. Ground cover is encouraged in areas where it is difficult to grow grass. Among other things, this helps prevent erosion.
10. Use of pine straw or mulch as general ground cover should take into consideration the effects of heavy rainfall and flooding, which tend to redistribute the pine straw or mulch. Also, pine straw can be a potential fire hazard in times of drought.
11. Down lights, stair lights and low voltage lights may be used as part of a landscape plan for accent, safety and appearance, but must comply with Section 12-52 of the Town of Pawleys Island ordinances which are designed to protect loggerhead sea turtles.
12. On the ocean side of the dune ridge, strategically placed shrubs and grasses are encouraged to prevent erosion, detour strong winds and provide storm protection.
13. Artificial plants and artificial turf are not encouraged.
14. It is not recommended to change the natural topography of a lot; for example, levelling or removing an existing natural feature.
15. Lot clearing for sale of a property or for construction is discouraged, although minimal clearing for purposes of access, preparing a survey or to stake a building site are acceptable.
16. Tree topping is discouraged.