



ORDINANCE NO. 2017- ____

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, ZONING ORDINANCE, CITY OF FOREST ACRES, SECTION 21.3.2, BE AMENDED BY REVISING THE DEFINITION OF SIGNIFICANT TREE; BE FURTHER AMENDED BY REVISING SECTION 21.152.2(4) GENERAL REQUIREMENTS, PERMIT, IN ORDER TO DELETE SUBSECTION (4); BE FURTHER AMENDED BY REVISING SECTION 21.152.2 GENERAL REQUIREMENTS, PERMIT, IN ORDER TO ADD ADDITIONAL EXCEPTIONS; BE FURTHER AMENDED BY REVISING SECTION 21.152.3(4) OF SAID CODE, PROVIDING FOR REPLACEMENT TREES; BE FURTHER AMENDED BY REVISING SECTION 21.152.4(1)c., COMMERCIAL CONSTRUCTION OR IMPROVEMENTS, TO INCLUDE PUBLIC, NON-PUBLIC, INSTITUTIONAL AND RESIDENTIAL DEVELOPMENT OTHER THAN R-1, R-1a AND R-2 ZONING DISTRICTS; BE FURTHER AMENDED BY REVISING SECTION 21.152.5(1)a OF SAID CODE, INCREASING THE AREA REQUIRING A TREE SURVEY FROM TEN FEET TO FIFTEEN FEET IN SINGLE FAMILY DISTRICTS; BE FURTHER AMENDED BY REVISING SECTION 21.152.5(1)b.4 OF SAID CODE, PROVIDING FOR LAWN OR GREEN AREAS IN SINGLE FAMILY DISTRICTS; AND FURTHER AMENDED BY REVISING APPENDIX D TO DELETE CERTAIN RECOMMENDED TREES.

WHEREAS, the Mayor and Council of the City of Forest Acres deem it necessary to update the Tree Protection Regulations of the Zoning Ordinance in order to exclude and exempt certain trees from the requirement to obtain a permit and other revisions.

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 5-7-30 and 6-29-710, Code of Laws of South Carolina, 1976, as amended and to promote and preserve public health, safety and the general welfare of the City.

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising section 21.3.2, Definition of terms used in this chapter, to revise the definition of Significant Tree to read as follows:

Significant Tree. Any healthy and structurally sound tree, excluding pine, cherry laurel, bradford pear, sweet gum and hackberry trees, which has a diameter at breast height twelve (12") inches and larger including the specific list and size of trees below:

<u>Botanical Name</u>	<u>Common Name</u>	<u>DBH</u>
<i>Magnolia virginiana</i>	Sweet Bay	4 inches
<i>Cercis candensis</i>	Eastern Redbud	4 inches
<i>Ilex opaca</i>	American Holly	4 inches
<i>Cornus florida</i>	Flowering Dogwood	4 inches
<i>Oxydendrum arboreum</i>	Sourwood	6 inches

(Ord. No.2005-3, 5-12-05)

Section 2. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by deleting subsection (4) of Section 21.152.2 General Requirements, Permit, as follows:

Delete:

(4) Trees preventing a reasonable site configuration including the establishment of a lawn, provided however, that no more than fifty (50%) percent of the number of significant trees are removed in the lawn area, otherwise, the requirements for a planning as set forth in 21.152.3 (1) shall apply [Ord. No. 2016-7, 8-9-2016, add section (4)]

Section 3. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Section 21.152.2, General Requirements, Permit, exceptions, to read as follows:

An application for a ~~tree~~ permit to remove any significant tree shall be a conditional use. In considering such a request for a tree permit, the Zoning Administrator or his/her designee shall take into consideration ~~and consider~~ the following exceptions for significant tree removal:

(4) ~~Trees preventing a reasonable site configuration including the establishment of a lawn, provided however, that no more than fifty (50%) percent of the number of significant trees are removed in the lawn area, otherwise, the requirements, including any and all replacement trees, for a planting plan as set forth in 21.152.3 (4) shall apply.~~

(8) Trees located in a proposed lawn or green area, provided however, that the removal of more than fifty (50%) percent of the number of significant trees existing in the proposed area to including any removed in the preceding five (5) years, shall require tree replacement and a planting plan as set forth in 21.152.3 (4).

~~Section 4.~~ That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance,

be amended by revising section 21.152.3 (4), Land Disturbance Activity, to read as follows:

(4) a planting plan, which may be a part of any required landscaping plan or otherwise required by this chapter for replacement trees, showing the number, location species and caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of nonexempt significant trees to be removed, including any removed in the preceeding five (5) years, and shall consist of not less than fifty (50%) percent large maturing trees. All replacement trees shall have a diameter at breast height of at least four (4") inches. The planting plan shall conform to the Tree Panting Standards, Appendix C; and

Section 5. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Section 21.152.4(1)c., Commercial Construction or Improvement, to include public, non-profit, institutional and residential development other than single family R-1, R-1a and R-2 zoning districts, to read as follows:

c. A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of nonexempt significant trees to be removed including any removal for the preceding five (5) years and shall consist of not less than fifty (50%) percent large maturing trees as set forth in section 21/152.3(4). The plating plan shall conform to the Tree Planting Standards, Appendix C; and

Section 6. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising section 21.152.5(1) b.4, Single Family Residential Construction or Improvement, to read as follows:

21.152.5 Single Family Residential Construction or Improvement

- (1) Building Permit Application: An application for a building permit shall include, in addition to the other requirements of this ordinance, the following supporting material:
 - a. A tree survey of the area of the lot ten fifteen feet (40' 15') outside of the site improvement area (house and all accessory uses) showing the location of all significant trees, designating all significant trees proposed to be removed.
 - b. In considering such a request for a building permit, the Zoning Administrator shall take into consideration the

following:

4. Trees ~~located in a proposed lawn or green area, preventing a reasonable site configuration including the establishment of a lawn,~~ provided however, that the removal of no more than fifty (50%) percent of the number of significant trees existing in the proposed area for the preceding five (5) years, are removed in the lawn area, otherwise, the shall requirements tree replacement and for a planting plan, including any and all replacement trees, as set forth in section 21.152.3 ~~(1) (4) shall apply.~~

Section 7. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Appendix D, Recommended Large, Medium and Small Maturing Tree Planting List in the following respects:

Large Maturing Trees: greater than 45 feet tall

Delete the following:

Pine, longleaf (Pinus taeda)

Sweetgum (Liquidambar styraciflua)

Section 8. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Effective date. The effective date of this ordinance shall be immediately upon passage.

ORDAINED AND ADOPTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this _____ day of _____, 2017.

MAYOR

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

ATTEST:

_____ City Clerk

Approval of City Attorney as to form: _____

Person Requesting Ordinance: Council

First Reading: _____

Second Reading: _____

Public Hearing: _____

Planning Commission Recommendation: Disapproval

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Section 3. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Section 21.152.2, General Requirements, Permit, exceptions, to read as follows:

An application for a permit to remove any significant tree shall be a conditional use. In considering such a request for a tree permit, the Zoning Administrator or his/her designee shall take into consideration the following exceptions for significant tree removal:

(4) Trees preventing a reasonable site configuration for permitted construction.

(8) Trees located in a proposed lawn or green area, provided however, that the removal of more than fifty (50%) percent of the number of significant trees existing in the proposed area, shall require tree replacement and a planting plan as set forth in 21.152.3 (4).

Section 4. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising section 21.152.3 (4), Land Disturbance Activity, to read as follows:

(4) a planting plan, which may be a part of any required landscaping plan

or otherwise required by this chapter for replacement trees, showing the number, location species and caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of nonexempt significant trees to be removed and shall consist of not less than fifty (50%) percent large maturing trees. All replacement trees shall have a diameter at breast height of at least three (3") inches in residential zoning districts R-1, R-1a and R-2 and at least three (3") inches in all other zoning districts. The planting plan shall conform to the Tree Planting Standards, Appendix C; and

Section 5. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Section 21.152.4(1)c., Commercial Construction or Improvement, to include public, non-profit, institutional and residential development other than R-1, R-1a and R-2 zoning districts, to read as follows:

c. A planting plan, which may be a part of any required landscaping plan, showing the number, location, species, caliper of the replacement trees. The number of replacement trees shall equal at least fifty (50%) percent of the number of nonexempt significant trees to be removed and shall consist of not less than fifty (50%) percent large maturing trees as set forth in section 21/152.3(4). The plating plan shall conform to the Tree Planting Standards, Appendix C; and

Section 6. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising section 21.152.5(1) b.4, Single Family Residential Construction or Improvement, to read as follows:

21.152.5 Single Family Residential Construction or Improvement

(1) Building Permit Application: An application for a building permit shall include, in addition to the other requirements of this ordinance, the following supporting material:

a. A tree survey of the area of the lot fifteen feet (15') outside of the site improvement area (house and all accessory uses) showing the location of all significant trees, designating all significant trees proposed to be removed.

b. In considering such a request for a building permit, the Zoning Administrator shall take into consideration the following:

4. Trees located in a proposed lawn or green area, provided however, that the removal of more than fifty (50%) percent of the

number of significant trees shall require tree replacement and a planting plan, as set forth in section 21.152.3 (4).

Section 7. That the Code of Ordinances of the City of Forest Acres, Zoning Ordinance, be amended by revising Appendix D, Recommended Large, Medium and Small Maturing Tree Planting List in the following respects:

Large Maturing Trees: greater than 45 feet tall

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MAYOR

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

COUNCILPERSON

ATTEST:

_____ City Clerk

Approval of City Attorney as to form: _____

Person Requesting Ordinance: Council

First Reading: _____

Second Reading: _____

Public Hearing: _____

Planning Commission Recommendation: Disapproval