

Appendix A, Zoning  
Article 9

Landscaping and  
Tree Protection

## **Article 9. Landscaping and Tree Protection**

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#### **Section 901. Purpose and Intent**

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#### **Section 902. Landscaping Regulations**

##### **902.A. Sites Affected.**

1. New development. All new development, buildings, structures and vehicle use areas shall comply with the minimum landscaping required by the provisions of this section, except driveways and parking spaces serving detached one- and two-family residential dwellings.

2. Existing sites. Existing sites upon which the following actions are to be undertaken:
  - a. A foundation addition to any of the existing buildings on the property;
  - b. Modification/alteration costing more than 25 percent of the total county assessed tax value of all existing buildings for the entire property within the confines of set property lines;
  - c. An existing building, structure or land use is to be reused for a different principal use; or
  - d. Excavation or movement of soil that requires a permit.
3. Vehicular use areas. All vehicle use areas on the property or on associated properties which directly support the parking needs of these buildings shall meet one of the following requirements:
  - a. If any building footprint on site is being increased or change of principal use occurs, then all landscape requirements within this ordinance will apply.
  - b. If construction does not include increasing any building footprint and the zoning administrator determines that there is sufficient land available to accommodate existing parking and landscaping, then all landscape requirements within this ordinance will apply.
  - c. If construction does not include increasing any building footprint, or if an existing property does not meet the provisions of this Code, and the zoning administrator determines that there is not sufficient land available to accommodate existing parking and landscaping, then the following requirements shall apply:
    - i. Sites having vehicle use areas to directly support specific uses that have adequate land to provide landscape buffers, interior landscaping islands, and parking shall comply with the current landscape code regarding installation of plant material and irrigation. Prior to installation of plant material, a landscape plan for the specific property must be submitted to and approved by the Community Appearance Board.
    - ii. All sites having vehicle use areas to directly support specific uses that do not have adequate land for landscape buffers, interior landscape islands and parking shall add landscaping to the property as outlined below.
      - A. Five percent of all impervious material in the front yard and side street set backs will be dedicated to landscaping, with a maximum loss of ten percent of parking spaces.

- B. The areas for landscaping must be at least 64 square feet with at least four-foot minimum dimension between all trees and pavement at time of planting. All newly landscaped areas shall have in-ground irrigation. At the owner's option, "gator" type tree watering bags or other landscape industry accepted irrigation devices may be used if there is no required plant material other than trees planted in the landscape area.
  - C. There will be at least one 2.5 inch caliper tree per 150 square feet of required landscaping
  - D. Prior to installation of plant material, a landscape plan for the specific property must be submitted and approved by the Community Appearance Board.
- iii. Temporary special event sites. Parts or all of the requirements of the landscaping regulations may be waived by the zoning administrator if the vehicle use area is of such nature that more than 50 percent of its loading only occurs periodically over a span of several days for special events of a nonrecurring nature (such as churches, festivals, etc.) and the lot is maintained in grass, or a combination of grass and grass pavers which present a landscaped appearance.

902.B. Where Landscape Materials are required: Whenever a site falls under two or more of the categories listed below, the category with the most stringent requirements shall be enforced.

1. Buffers relating to uncomplimentary land uses and zones.

- a. Any Amusement (A), Highway Commercial (HC), or Light Manufacturing (LM) district that adjoins any Single-family (R) or Multifamily (RM) residential district shall contain a minimum landscape buffer of at least ten feet in width contiguous to all residential district boundaries, which must contain one of the following:
  - i. A continuous masonry wall that is 72 inches in height and eight inches in width, meeting all criteria of the International Building Code, and approved by the Community Appearance Board. The wall is to be placed two feet from the residentially zoned property line and continue parallel to the property line to the front yard setback line of the residential property. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.

- ii. A planted berm, with a maximum slope of 3:1 that is at least 48 inches in height. Landscape materials will consist of at least one ten foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
  - iii. A combination of a planted berm and masonry wall that meets the criteria of the above two paragraphs; or
  - iv. A natural landscape buffer area at least 20 feet in width for lots up to 150 feet in depth, which must remain in a natural state, provided, however, that if no trees are naturally present at least one 10' tree shall be placed at 20' intervals. The natural landscape area must increase one-foot for every 7.5 feet of depth over 150', up to a maximum buffer of 60 feet in width. The Community Appearance Board must approve this natural area.
- b. Any utility substation that adjoins any other property boundary or any street right-of-way, except adjoining properties in the Wholesale/Manufacturing (WM) district (regulated in section 902.B.1.c - *Any Wholesale/Manufacturing (WM) District Property Boundary* below), shall contain a 72-inch high maintained fence surrounded on the exterior by a minimum ten feet wide landscape buffer. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
  - c. Any Wholesale/Manufacturing (WM) district property boundary that adjoins any other district property boundary, excluding rights-of-way of 60 feet or wider, shall have a minimum ten feet wide landscape buffer. Landscape materials will consist of at least one ten-foot tree placed at 20-foot intervals and one three-gallon shrub placed at three-foot intervals.
  - d. Any manufactured home park or campground that adjoins any other property boundary shall have a minimum landscape strip of at least 10 feet in width adjacent to all common boundaries, including rights-of-way. Landscape material will consist of at least one 10-foot tree placed at 20-foot intervals and one 3-gallon shrub placed at 3-foot intervals.

2. Landscaping associated with vehicular use areas.

- a. There shall be sufficient trees within and around the designated parking and maneuvering areas, outside of the front and side street setbacks, to ensure that

any vehicle at any time shall always be within 75 feet from a tree trunk with two or more trees or 50 feet from a single tree trunk in a planting area. A planting area shall consist of a maximum of 200 square feet of pervious material per tree or no more than 50 feet between trees within in the same planting area. Trees planted must be at least three inches in caliper for single stemmed trees or 12 to 14 feet in height for multi-stemmed trees. Except for Japanese Black Pine trees, no more than 15% of the total required planting may consist of any species of pine trees.

- b. Those properties which are located in Light Manufacturing (LM) or Wholesale/Manufacturing (WM) zoning districts which utilize vehicle use areas without designated parking shall have one 3 inch caliper tree for every 50 linear feet of buffer. Tree placement shall provide for easements, utility encroachments and sign placement. Adequate landscaping area required to sustain each tree shall be installed and maintained.
- c. Any tree placed to meet the above coverage requirements shall be on the same property as the designated parking spaces it covers.
- d. **Vehicular use area perimeter requirement.** A vehicle use area is considered to be adjoined by any property or right-of-way unless the vehicular use area is entirely visually screened by an intervening building or structure. In such cases, walls and fences are not considered structures.
  - i. When a non-residential vehicle use area is more than 30 feet from a property line, the area not covered by the vehicular use area or buildings must be covered by grass or other ground cover as approved by the Community Appearance Board. Landscape requirements are specified in section 902.C - *Landscape Material Required*.
  - ii. Unless regulated in other sections of this article, any non-residential vehicular use area that is within 30 feet of any property line shall require a minimum perimeter landscape buffer of a square footage amount equal to the linear perimeter footage times 5', with the following requirements:
    - (A) There shall be a minimum 5' wide buffer along any residential property line.
    - (B) There shall be a minimum 5' buffer along the front street property line. In the front street buffer, one canopy tree shall be planted for every 50 linear feet of buffer, provided, however, there shall be a minimum of 1 canopy tree per property. Tree placement

shall provide for easements, utility encroachments and sign placement. Adequate landscaping area required to sustain each tree shall be installed and maintained.

- iii. Within the Mixed Use-Medium Density (MU-M) districts, vehicular use areas in which each individual parking space is accessed directly from a public alley shall not be required to establish landscaping within those vehicular use areas.
- iv. A wheel stop or a 4" curb shall be installed at the buffer-end of each parking space abutting a landscaped area. A maximum of 2-1/2' of the length of an angled (not parallel) parking space may contain grass kept low enough so as not to be damaged by an overhanging automobile bumper.
- v. Those properties with loading zones and service areas outside the front and side street setback, that are within 50 feet of a property line shall have at least a 10' landscape buffer abutting the property line planted with materials as specified in section 902.C - *Landscape Material Required*.
- vi. All shrubs, except those located in sight lines or sight triangles and those abutting public rights-of-way, must be of a type that naturally attains a mature height of at least 30 inches. Shrubs located in sight lines or sight triangles and those abutting public rights-of-way shall meet the regulations of sec. 902.J. *Landscaping within Sight Lines and Sight Triangles*. The amount of shrubs must be at least equal to one three-gallon shrub for every three linear feet of required buffer or one seven-gallon shrub for every six linear feet of required buffer. Shrubs may be grouped or clustered, but they must be planted in the same buffer for which they were calculated. Low growing plants shall be used at a ratio of 1:3 when using one-gallon containers in lieu of three-gallon containers.
- vii. Within the front and side street setbacks there shall be sufficient trees within and around the vehicular use area to ensure any vehicle within these setback areas is always within 50 feet of a planted or retained tree located within the front or side setbacks. Trees planted within the front and side street set back must be at least 2.5

inches in caliper at the time of planting and shall be of upper story species.

viii. Those properties which have a width of less than 70' shall have one 2.5 -inch caliper single stem tree in each seven-foot wide perimeter island.

e. Vehicular use interior requirements. Any open vehicular use area (excluding loading, unloading, and storage areas in the Light Manufacturing (LM), Airport (AP) or Wholesale/Manufacturing (WM) districts) containing more than 4,000 square feet of area shall provide interior landscaping in addition to the required perimeter landscaping. Such landscape areas shall be located in such a manner as to divide and break the expanse of paving and be located at strategic points to guide travel flow and direction. Interior landscaping may be peninsular or island types. Standards for landscape areas are as follows:

i. All shrubs must be of a type that naturally attains a mature height no greater than 24 inches unless the interior landscape area adjoins the perimeter buffer, then the shrubs may be of the type that reach a mature height of at least 30 inches. The amount of shrubs must be at least equal to eight three-gallon shrub or four seven-gallon shrubs for every 150 square feet of required interior vehicle use landscaped area. Shrubs must be located within the interior landscaped area for which they were calculated. Low growing plants shall be used at a ratio of 1:3 when using one-gallon containers in lieu of three-gallon containers.

ii. Lots 70 feet in width or greater. An area equal to five percent of the vehicle use area shall be dedicated to interior landscape areas. The minimum landscape area permitted shall be 100 square feet, with 7 feet minimum distance between all trees and paving at the time of planting, measured at the base of the trunk of the newly planted tree. For vehicular use areas of less than 30,000 square feet, the required landscape area will be no larger than 375 square feet. For vehicular use areas of 30,000 sq. ft or larger, the required landscape area shall be no larger than 1500 square feet.

Landscape materials shall be as specified in section 902.C -

*Landscape Material Required.*

- iii. Lots less than 70 feet in width. Lots with up to 100 feet of depth shall provide 2 interior landscaped islands. One additional interior landscaped island shall be required for every 50 feet of lot depth over 100 feet. Each island shall contain one 2.5" caliper upper story tree. The minimum dimensions of these landscaped areas shall be 14 feet wide and 16.5 feet deep.
3. Multi-family dwellings. In addition to other landscaping requirements, one upper story tree of at least three inches in caliper is required to be planted for every two dwelling units, and shall be planted within the required open space on the property. If under story trees are desired, then a mix of 50 percent of under story trees to 50 percent of upper story trees may be substituted, provided that the under story trees be substituted for upper story trees at a ratio of 2:1 and the under story trees be at least 12 to 14 feet in height at time of planting. The under story trees may be placed anywhere within the required open space outside of the front and side street setback areas.
4. *Parking structure landscape requirements.*
  - a. 15-foot landscape buffer in Multifamily (RM) districts and VE zones. Parking garages located in a Multifamily (RM) district or in the (VE) zone require a 15-foot landscape buffer between the parking garage and any adjacent street. The following landscaping is required within that buffer:
    - i. One upper story hybrid tree engineered to grow straight and tall (minimum three-inch caliper at time of planting) and ten seven- to ten-gallon shrubs (five feet tall at time of planting) per 300 square feet of buffer area (including the five-foot perimeter landscape strip).
    - ii. Lower story trees (two-inch caliper at time of planting) may be substituted for 50 percent of the upper story trees at a ratio of 1.5 lower story trees per each upper story tree.
    - iii. Three-gallon shrubs (two and one-half feet tall at time of planting) may be substituted for 50 percent of the seven- to ten-gallon shrubs at a ratio of two three-gallon shrubs per each seven- to ten-gallon shrub.
  - b. Side and rear yard requirements in the Mixed Use-High Density (MU-H) district abutting a Single-family (R) or Multifamily (RM) zoning district or residential Planned Unit Development (PUD).

- i. Requirements for structures of no more than 25 feet in height. One under story tree (two-inch caliper at time of planting) per 15 feet of lineal boundary and one seven- to ten-gallon evergreen shrub (five feet tall at time of planting) per five feet of lineal boundary (no clumping or grouping permitted). If palmetto trees are used, their ratio shall be 1.5 palmettos per each under story tree. Palmettos may be grouped in pairs.
- ii. Requirements for structures of more than 25 feet in height. One upper story tree (minimum three-inch caliper at time of planting) per 30 feet of lineal boundary and one seven- to ten-gallon evergreen shrub (five feet tall at time of planting) per five feet of lineal boundary. Lower story trees (two-inch caliper at time of planting) may be substituted for 50 percent of the upper story trees at a ratio of two lower story trees per each upper story tree. All trees and shrubs shall be located at least six feet from the property line, with a minimum grass (sod) strip of four feet adjoining the adjacent property.

5. Manufactured home park landscape requirements. Refer to section 1501.O - *Manufactured Homes, Multifamily* for additional landscaping requirements within multifamily manufactured home developments.

6. Campground landscape requirements. Refer to section 1501.BB - *Campgrounds* for additional landscaping requirements within campgrounds.

902.C. What Landscaping Materials are required. All landscape material shall be of the variety and species that is known to grow and thrive in the Myrtle Beach area. Artificial plants are not included in this calculation for code compliance. Any material that is proposed which is not customarily used in the Myrtle Beach area will not be approved unless the owner and designer present documentation regarding the care and survivability of the questioned material to the zoning administrator, who will forward the documentation to the Community Appearance Board for approval. Unless specified elsewhere within the Ordinance, landscape material requirements are as follows:

1. Trees. Any tree listed as a composite of the forest theme designated for the planting area in the *Community Tree Planting Plan for Myrtle Beach, South Carolina*, current edition.

2. Wax Myrtle/*Myrica cerifera* and Crape Myrtle/*Lagerstromia indica* shrubs. Wax Myrtle/*Myrica cerifera* and Crape Myrtle/*Lagerstromia Indica* shrubs may be used at a ratio of 1:2 for up to 50 percent of the required perimeter or interior shrubs.
3. Sabal Palmetto substitution allowed. In all planted areas where trees are required or allowed, Sabal Palmettos are considered lower story trees but may be substituted at a ratio of 3:1 for upper story trees.
4. Ground cover. Some form of ground cover must cover all portions of landscape area not occupied by required landscape materials. Ground cover may consist of the following: grass, shrubs that do not exceed 12 inches in height at maturity, organic mulch, crushed stone or other landscape amenity that is approved by the Community Appearance Board.
5. Planting beds. No more than 20 percent of the area in a landscape buffer that abuts a street frontage may be composed of planting beds that contain annual and perennial flowers. These beds shall be weed free, with alive and healthy flowers in the beds at all times and shall have a maximum length of eight feet and be separated by at least 15 linear feet within the same buffer area. These beds shall be indicated on the landscape plan submitted for the Community Appearance Board approval.

902.D. Special Landscape Requirements for the Business Park (BP) (Business Park) District.

The following site perimeter and vehicular use area landscape requirements are established for properties within the Business Park (BP) district. All regulations contained within Article 9 – *Landscaping And Tree Protection* that are not altered by the following special requirements are still applicable.

1. Perimeter natural area. Existing forested areas on the periphery of sites shall be preserved to maintain the natural character of the area. A minimum 15-foot area adjacent to all adjacent properties (excluding rights-of-way) shall remain in a natural state, except for maintenance and limited clearing of vegetation two inches or less in caliper after written request has been received and approved by the zoning administrator. Where areas between site development and Single-family (R), Multifamily (RM), residential Planned Unit Developments (PUD) or Parks, Recreation and Conservation (PRC) districts are not forested, a planted berm (as defined in Article 2 - *Definitions*) shall be provided.

2. Perimeter parking lot landscaping. When areas between parking lots and adjacent properties and rights-of-way are forested with existing trees, these trees shall be preserved to buffer parking lots from adjacent properties and rights-of-way. Where these areas are not forested, a planted berm shall be established around all edges of the parking lot which do not face the principal use building.
3. Interior parking lot landscaping requirements. A minimum of eight percent of the total area of parking lots that exceed 1,500 square feet shall be provided for landscape areas, of which 75 percent of the interior landscape area shall be surrounded by vehicular use area. Interior landscape areas shall be a minimum of 180 square feet, have a maximum creditable size of 1,500 square feet, have a minimum linear dimension of nine feet, and have no less than four feet of clearance from the edge of any tree (planted or existing) to any curbing or paved area. Interior landscape areas shall be located to preserve specimen trees and tree stands where applicable. One upper story tree of at least four inches caliper shall be required per each 150 square feet of required interior landscape area and shall be located so as to maximize shade throughout the vehicular use area.
4. Landscaping requirements for all other vehicular use areas. In order to preserve a natural environment and mitigate the loss of trees, a minimum of 8 percent of the total vehicular use area not considered in 902.D.3 - *Interior Parking Lot Landscaping Requirements* will be used as the basis for determining reforestation requirements. One tree for every 100 square feet of this area shall be planted in a way that furthers the purpose as stated above, except that none of these trees shall be planted in designated wetlands or the required perimeter buffer. (e.g. 10,000 sq. ft. of driveway  $\times$  8% = 800  $\div$  100 = 8 trees)
5. Planted berm specifications. The earthen portion of planted berms shall have a minimum height of three feet, and have a maximum side slope of 3:1. The following plant materials shall be installed, in an informally grouped fashion, per each 100 linear feet:
  - a. Three upper story trees, with a minimum caliper measurement of 3.5 inches at installation.
  - b. Six under story trees, with a minimum caliper measurement of two inches at installation.
  - c. Nine evergreen shrubs, with a minimum container size of ten gallons at installation.

6. Credit for undisturbed areas. Any area that remains undisturbed that brings the total undisturbed area to over the 20 percent minimum requirement will receive credit for saved trees, provided these areas are forested. The credit will be twice the number of trees required for reforestation (per section 902.D.4 - *Landscaping Requirements For All Other Vehicular Use Areas*) times the percentage of undisturbed area exceeding the required minimum of 20 percent. (e.g. 50,000 sq. ft. of private roads  $\times 8\% \div 100$  sq. ft. = 40 trees required for reforestation; 30 percent undisturbed area  $20\% = 10\%$  in excess of minimum required; therefore  $2 \times 40$  trees  $\times 10\% = 8$  trees credit)
7. Plant material. Trees used for reforestation may be a mix of the following:
  - a. Upper story trees with at least a four-inch caliper at the time of planting shall comprise at least 75 percent of the required trees.
  - b. Under story trees with at least a two-inch caliper at the time of planting may comprise the balance of the required trees.
  - c. With the exception of undisturbed natural areas, ground cover shall cover all portions of landscape areas.

902.E. Special Landscape Requirements for the Entertainment (E) District. These requirements are intended to soften the impact of high use roadways, large expansive parking areas and to promote green areas within this zoning district.

1. Boundaries along streets that extend beyond the boundaries of the district will have one large upper story tree (four-inch caliper, rated at time of planting) planted for every 1,000 square feet of buffer. If desired, two lower story trees (two-inch caliper rated at time of planting) may be substituted for one upper story tree, for no more than 30 percent total of the required upper story trees. The buffer area shall be calculated by using 30 feet as the width of the buffer multiplied by the linear feet of abutting streets. The actual buffer area will be seeded or sodded with a high-grade turf that will withstand the local climatic conditions. Shrubs may be used as a replacement for turf as desired, however, the shrub beds shall not extend farther than four feet from the base of any shrub nor shall the spacing of shrubs in any bed exceed four feet. In-ground irrigation shall be installed and proper operation maintained to support and sustain all the landscape material.

2. There shall be a minimum five-foot landscape buffer between the public rights-of-way and all parking areas. The buffers will have at least one tree planted for every 30 linear feet of buffer. At least 50 percent of the required trees must be upper story trees. The remainder of the actual buffer areas will be seeded or sodded with a high grade turf that will withstand the local conditions. Shrubs may be used as a replacement for turf as desired. However shrub beds will not extend farther than four feet from the base of any shrub nor may the spacing of shrubs in any bed exceed four feet. Viable in-ground irrigation shall be installed and proper operation maintained to support and sustain the landscape material.

902.F. Credit for Existing Trees Saved. It will be the responsibility of the zoning administrator to determine the amount of credit given towards the number of required trees based upon the number of trees saved during development.

1. When requirements dictate the quantity of trees on the property, the amount credited shall be based upon the formula used in section 903.I - *Mitigation Policy*.
2. When requirements dictate spacing of trees in vehicular use areas, the distance from existing trees to vehicles will be measured from the drip line of the existing tree provided the existing tree is at least four inches in caliper with a 15-foot canopy. The dripline of the trees proposed to be saved shall be indicated on the landscape and site plan.

902.G. Installation and Maintenance.

1. Installation. All landscaping materials shall be living and installed in a sound workmanship-like manner in accordance with ANSI standards. All landscaping materials shall be installed in accordance with the approved landscape plan prior to issue of any certificate of occupancy. In all cases, all required landscaped areas shall be maintained by an in-ground irrigation system that provides coverage to all plant material.
2. Maintenance. The owner, tenant and their agent, if any, shall be jointly responsible for the continued proper maintenance of all landscaping materials according to ANSI standards. Landscaping shall be reviewed periodically by the City to insure proper maintenance. The owner, tenant, or their agent shall, upon notice, restore the landscape to a healthy condition according to ANSI standards.

902.H. Landscape Plans Required. Whenever any property is required to have landscaping in accordance with these regulations the property owner or developer shall prepare a

landscape plan for submittal and approval. As a minimum, the plan shall be constructed and contain the following:

1. Scaled drawings of the property in a form or format required by the Construction Services Department .
2. Project owner's name, addresses, and telephone number.
3. Project name and address.
4. Designer's name, address, and telephone number.
5. Date of drawing and revised dates as applicable.
6. A notation stating, "This landscape plan has been reviewed and approved by the owner/responsible agent who understands that any changes, substitutions, or deletions may require review and approval by the responsible reviewing authority."
7. Property lines and dimensions.
8. Existing Landscape Materials.
9. Existing and proposed buildings and accessory structures to include existing and proposed signs.
10. Parking spaces showing all required wheel stops, curbs, driveways, and sidewalks.
11. All sight lines and sight triangles.
12. Location of solid waste containers.
13. Height, type, and location of existing and proposed walls and fences.
14. Location and description, to include dbh (diameter at breast height), canopy and species name, of each existing tree to be retained.
15. Location and appropriate symbol that corresponds to each proposed tree and shrub. Any special height or shape requests for trees or shrubs must be clearly indicated for each request.
16. Plant materials list that includes: Common and botanical names of all species being planted, a key that denotes the appropriate symbol, minimum installation size, quantity and appropriate remarks.
17. Additional remarks required: The amount, depth and type of mulch required; statement regarding the type of irrigation system to be installed; any other remarks deemed appropriate by the designer.
18. All sign locations.
19. All site lighting.

20. All easements and their designation.

902.I. Landscape Bonding. Where landscaping is required, no building permit shall be issued until the required landscape plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved landscape plan. In instances where conditions do not permit immediate planting of materials and if the City is furnished with a bond equal to 250 percent of the cost of the total required planting and irrigation (including labor), then a temporary certificate of occupancy may be issued. The required bond must be in the form of cash or a certified check made payable to the City of Myrtle Beach. Conditions for bonding are:

1. The cost estimate is to be prepared by a landscape architect, landscape contractor or nurseryman using prevailing material and labor costs. All cost estimates must receive approval of the zoning administrator.
2. The area on site must be set aside and reserved for landscaping and irrigation shall be in conformance with the approved landscape plan.
3. Landscaping must be installed and approved within 121 days of the date the temporary certificate of occupancy is issued or bond will be forfeited to the City. The City then has the option of utilizing the bond to landscape the property according to the approved landscape plan. If the City installs the landscaping, any bond money in excess of what was expended will be returned to the building permit applicant within 45 days of completion of landscaping.

902.J. Landscaping within sight lines and sight triangles. Sight lines and sight triangles as defined in Article 2 shall be maintained at all street intersections or intersections of driveways with streets. Only plants that cannot attain a mature height of more than 12 inches are permitted within the sight line or sight triangle.

902.K. Prohibited Plants. The following plants are specifically prohibited from use to meet the City landscaping requirements:

1. Yucca, Spanish Bayonet, Adams Needle, cactus and any other plant harmful to touch or any plants that are poisonous to touch.
2. Any plant identified by the United States Department of Agriculture to be a nuisance.

902.L. Removal of Topsoil. No person, firm or corporation shall strip, excavate, or otherwise remove topsoil from property in any residential district except as permitted.

902.M. Nonconforming Landscaping. This section is intended to set standards for bringing existing nonconforming sites to certain standards within a specific time frame as directed below. Properties nonconforming to the landscaping regulations provided in section 902 – *Landscaping Regulations* prior to the effective date of this Ordinance shall be made compliant immediately upon enactment of this Ordinance. Properties made nonconforming to the landscaping regulations provided in section 902 – *Landscaping Regulations* as a result of the enactment of this Ordinance shall be made compliant as indicated in the sections below. The time frame for compliance of annexed properties shall be computed from the date of annexation. Existing nonconforming sites are designated into certain categories (listed below) that will dictate the standards and time frame.

1. *Sites with landscape buffers and interior landscape islands that are not code compliant because of insufficient landscape material.* These sites will have nine months from the effective date of this Ordinance to comply with the landscape code that was in effect when the landscaping was originally installed. Prior to installation of plant material, the Community Appearance Board must approve a landscape plan for the specific property unless there is an approved plan available for review by staff.
2. *Sites having vehicle use areas to directly support specific uses that have adequate land to provide landscape buffers, interior landscaping islands, and parking.* All sites except those located in a Multifamily (RM) district will have 24 months from the effective date of this Ordinance to comply with the landscaping regulations provided in section 902 – *Landscaping Regulations* regarding the installation of plant material and irrigation. Those sites in Multifamily (RM) districts will have 48 months from the effective date of this Ordinance to comply with the current landscape code regarding installation of plant material and irrigation. Prior to installation of plant material, the Community Appearance Board must approve a landscape plan for the specific property.
3. *Sites having vehicle use areas to directly support specific uses that do not have adequate land for landscape buffers, interior landscape islands and parking as identified by the zoning administrator.* All sites, except those located in a Multifamily (RM) district, will have 24 months from the effective date of this Ordinance to add landscaping to the property as outlined below. Those sites in a Multifamily (RM) district will have 48 months from the effective date of this Ordinance to add landscaping to property as outlined below.

- a. Five percent (5%) of all impervious material in the front yard and side street set backs will be dedicated to landscaping, with a maximum loss of ten percent of parking spaces.
- b. The areas for landscaping must be at least 64 square feet with at least four-foot minimum dimension between all trees and pavement at time of planting. All newly landscaped areas shall have in-ground irrigation. At the owner's option, "gator" type tree watering bags or other landscape industry accepted irrigation devices may be used if there is no required plant material other than trees planted in the landscape area.
- c. There shall be at least one three-inch caliper tree per 150 square feet of required landscaping or one four inch caliper tree in lieu of two three- inch caliper trees provided the planting area is between 150 and 300 square feet.
- d. Prior to installation of plant material, a landscape plan for the specific property must be approved by the Community Appearance Board.

### **Section 903. Tree Protection**

903.A. Applicability. These regulations apply to protected and landmark trees located on public and private property, except on lots containing one single-family residence in any Single-family (R) or Multifamily (RM) district, or residential Planned Unit Development (PUD). On lots containing only one single-family residence and its accessory uses in any Single-family (R) or Multifamily (RM) district, or residential Planned Unit Development (PUD) these regulations apply to only those trees defined as significant trees or landmark trees.

903.B. Licensing. It shall be unlawful for any person who is being paid a fee for the business of planting, cutting, trimming, pruning, removing, or otherwise modifying trees within the City to conduct such business in violation of the Tree Protection Ordinance and ANSI A300 (Current Edition) Standards.

903.C. Significant Trees. The City hereby declares that the following are significant trees: Live Oak (*Quercus virginiana*), White Oak (*Quercus alba*), (Eastern Red Cedar (*Juniperus virginiana*), Southern Magnolia (*Magnolia grandiflora*), and Bald Cypress (*Taxodium distichum*) trees with a 4" DBH or more.

903.D. Protected Trees. The City hereby declares that the following are protected trees:

1. Significant trees, as defined in section 903.C - *Significant Trees*;
2. Trees planted or retained to meet the requirements of section 902 - *Landscape Regulations*;
3. Wax Myrtles (*Myrica cerifera*) and Crepe Myrtles (*Lagerstromia indica*) designated as "tree forms" on an approved landscape plan;
4. Any tree over three inches DBH located on City-owned property including any public right-of-way;
5. Any Sycamore (*Plantanus occidentalis*) and Sweet-Gum (*Liquidambar styraciflua*) with a 12-inch DBH or greater;
6. Any Pine (*Pinus*) with a 18-inch DBH or greater (except Japanese Black Pine with a caliper of two inches or more);
7. All other species of trees that are five inches DBH or more.

903.E. Landmark Trees. The City hereby declares the following trees, which equal or exceed the stated diameter at breast height (DBH), to be landmark trees:

<b>Landmark Trees Species</b>	<b>Common Name</b>	<b>Diameter at Breast Height (DBH)</b>
Juniperus virginiana	Eastern Red Cedar	30"
Magnolia grandiflora	Southern Magnolia	30"
Quercus virginiana	Live Oak	25"
Quercus laurifolia	Laurel Oak	30"
Quercus alba	White Oak	25"
Quercus phellos	Willow Oak	30"
Acer rubrum	Red Maple	36"
Taxodium distichum	Bald Cypress	30"
Ilex opaca	American Holly	20"
Cornus florida	Flowering Dogwood	15"
Carya	Hickory (except Pecan)	36"

903.F. Preservation of Protected Trees/Landmark Trees. Unless specifically authorized by the zoning administrator, no person shall intentionally damage, cut, carve, transplant, or remove any protected or landmark tree; attach any signs with rope, wire, nails, or other contrivance to any protected or landmark tree; allow any substance which is harmful to such trees to come in contact with them or be placed within their dripline over pervious areas; intentionally set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree or landmark tree; or pave with an impervious surface within their dripline.

903.G. Tree Removal Permits. It shall be unlawful to remove or otherwise destroy a protected tree or landmark tree without first obtaining a protected tree or landmark tree removal permit. For purposes of this requirement, a landscape plan approved by the zoning administrator constitutes a permit. Within five days after tree removal, notice of completion shall be given to the zoning administrator.

1. No tree removal permits shall be approved until a building, roadway or utility permit has been issued, except:

- a. When application is made on the basis of the criteria listed in 903.G.2 - *Criteria For Issuance Of Protected Tree Removal Permits* (A through F);  
or
  - b. For trees located on lots containing only one single-family residence and its accessory uses in any Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD).
  - c. For tree removal as specified in a Forestry Management Plan as approved under Section 903.G.4 *Forestry Management Plan*.
2. *Criteria for issuance of protected or significant tree removal permits.* Permits for the removal of a protected or significant tree may be issued for only the following reasons:
- a. Trees that are hazardous or cause safety-related problems;
  - b. Diseased or infectious trees or trees in decline as characterized by progressive dieback of branches as certified by a certified arborist.
  - c. Trees or their root systems causing visible damage to structures, and/or areas used for pedestrian and vehicular traffic;
  - d. Trees or their root systems causing damage to structures, as certified by a structural engineer;
  - e. Trees or their root systems causing damage to areas used for pedestrians, vehicular movement, or underground utility lines, as certified by a structural engineer;
  - f. Trees within power lines easements that cannot be properly pruned by the local utility company;
  - g. Trees to be removed, pruned, or disturbed within the footprint or within ten feet of the footprint of buildings in Single-family residential (R) districts.
  - h. Trees to be removed, pruned, or disturbed on plans approved by the Community Appearance Board or the Planning Commission whichever has final review responsibility and after all other applicable permits for construction have been issued;
3. *Criteria for issuance of landmark tree removal permits.* Landmark trees may only be removed if they are hazardous, diseased or infectious, or are in decline as characterized by progressive dieback of branches as verified and approved by a certified arborist; or by Special Exception as determined by the Board of Zoning Adjustments.

4. *Forestry Management Plan*. The owner of a land parcel of five (5) acres or more may submit, for approval by the zoning administrator, a Forestry Management Plan drafted and signed by a state registered forester. The intent of the Forestry Management Plan shall be the long-term maintenance of the forest. The practices set forth therein shall be designed to meet that intent, and shall include a 50' wide buffer along all property lines. Upon approval of the Forestry Management Plan, the zoning administrator may issue an annual forestry management permit based upon the specifications contained in the approved Forestry Management Plan. Violations of the forestry management permit are subject to the penalties delineated in section 903.N - *Penalty*. Lapses in the annual forestry management permit result in the property being regulated by all of section 903.G. - *Tree Removal Permits*.

903.H. *Tree Survey*. All applications for clearing, grubbing, grading, building, or demolition permits, or for any development or redevelopment of property shall include a tree survey sealed by a registered surveyor. The survey must be at the same scale as the submitted landscape plan or site plan and shall accurately indicate location, diameter at breast height and species of trees as indicated below:

1. For all lots containing only one single-family residence in any Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), the survey shall identify significant and landmark trees as requested by the Construction Services Department.
  - a. If there is a tree located within the area to be constructed upon then location, type and DBH of the tree must be stated on the site plan.
  - b. If there are no trees to be disturbed in the construction area then a signed statement must be provided stating that there are no trees to be disturbed.
2. For all lots except those described in 903.H.1 – *Lots Containing Only One Single-Family Home*, the survey shall identify all protected and landmark trees.
3. If there are no trees on the property, then a signed statement stating that there are no trees on the property may be submitted in lieu of a tree survey.

903.I. *Mitigation Policy*.

1. All protected trees removed in accordance with subsections 903.G.2.c through 903.G.2.f - *Criteria For Issuance Of Protected Tree Removal Permits* shall be replaced in accordance with the following criteria: Replacement trees shall be of species designated by the Myrtle

Beach Community Tree Planting Plan with potential for comparable or greater size and comparable or better quality at maturity as the trees permitted to be removed. Trees shall be replaced as follows:

Tree Removed	Replacement Tree
Up to 4" DBH	One 2.5" caliper tree
Over 4" DBH up to 8" DBH	Three 2.5" caliper trees
Over 8" DBH up to 14" DBH	Four 2.5" caliper trees
Over 14" DBH	Five 2.5" caliper trees

***Timing of the planting of replacement trees shall be determined by the zoning administrator.***

2. *Mitigation Fund.* When mitigation is required but there is not sufficient room on the property to plant the required trees the following shall apply:

3. The amount of \$400 per tree unable to be replanted will be placed in the Tree Preservation Account as outlined in Section 903.M- Tree Preservation Account.

4. Payment must be received by the city prior to issuance of a tree removal permit.

903.J Tree and Sign Conflicts. This section is intended to provide a landowner that has conforming landscaping a means to mitigate tree removal to protect the visibility of signs that were erected prior to the 2000. This subsection does not affect landscaping and signs that are approved after the year 2000.

1. The zoning administrator may approve minor adjustments to approved landscaping plans in order to remedy tree/sign conflicts.

2. The zoning administrator may approve a reduction of up to ten percent of available parking (fractions are rounded down) to accomplish this mitigation only after the Community Appearance Board approves a revised landscape plan for this purpose. Trees removed must be relocated in the setback from where they were removed and replaced with trees in accordance with 903.I.1 *All Protected Trees Removed*. The following must be submitted at least ten days prior to a scheduled Community Appearance Board session.

a. A current plat or survey of the property showing the location of the sign and all parking, building, and trees in question.

b. A proposed landscape and parking plan drawn to scale depicting current and new landscaping, irrigation, and the type of ground cover to be used around the new material.

- c. Photographs showing the tree hindering the visibility or potential visibility problem of the sign.
- d. Photographs showing the landscape area that surrounds the sign and trees.
- e. The landowner must certify that the loss of parking will not create a hardship.

903.K Pruning. Pruning shall not interfere with the design intent at the original installation.

1. Tree pruning shall be accomplished in accordance with the procedures set forth in the ANSI A300 (Current Edition) standards.
2. The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height. Examples of unnatural pruning are topping, stubbing, dehorning, or looping. See diagram in Article 2- Definitions, Figure 2-2- *Tree Crown Basic Shapes* for natural tree shapes.

903.L Tree Protection During Clearing, Grubbing, and Development. Prior to the commencement of any site clearing or vegetation alteration, other than mowing, a clearing/grubbing permit shall be obtained from the Construction Services Department. All applications for clearing, grubbing, grading, building, or demolition shall include a Tree Protection Zone Plan (TPZ). The TPZ shall be designed to protect the trees and their roots on site as well as those on neighboring properties. Grading, filling, ditching and storage in the tree protection zone are prohibited. For all lots containing only one single-family residence and its accessory uses in Single-family (R), Multifamily (RM), or residential Planned Unit Development (PUD), a TPZ shall be designed to protect any and all significant and landmark trees. For all other properties a TPZ shall be designed to protect any and all protected and landmark trees. The TPZ shall include the following:

1. Details for avoiding or protecting tree roots in trenching plans for underground construction, including utility placement and foundation construction.
2. A detailed grading plan.
3. Assurances that soil disturbance under the canopy of each tree will be limited to ANSI A300 (current edition) standards. Any soil added under the canopy of the tree must be a loamy soil mix to ensure compaction is minimized.
4. Detailed plans for temporary wooden barricades or orange fencing that must be erected before the commencement of any site clearing and grading. The fence is to be a minimum of four feet high above grade with a rigid frame of 4" X 4" post and 22" X 4" rails at 2' and 4'

above grade and across the top. The posts shall be set deep enough in the ground to be stable without additional support. The barricades or fencing for protection and landmark trees shall be placed outside the critical tree root zone of the tree. Nothing shall be placed inside of the chain link fencing. When paving, excavating or hardscaping has been permitted within the boundaries of the barricades or fencing, the barricades or fencing shall be moved back to a secondary location at the edge of the work. When the secondary location is within the critical tree root zone as defined by ANSI A300 (current edition) and approved as such by a certified arborist, the barricades or fencing shall not include subterranean supports and shall be securely supported entirely above the ground. "Tree Protection Zone – Caution Do Not Enter" signs shall be posted visibly on all sides of the fenced area.

5. Detailed utility location plans. Utilities shall not be installed in the tree protection zone. All roots outside the protective barricade to be removed during development shall be severed clean and a two-inch layer of mulch shall be applied over the surface of exposed roots during development.

- a. Trenching shall be no closer than six times the diameter at breast height (DBH) to the effected tree nor disrupt more than 30 percent of the drip line root area.
- b. No other types of disturbance or construction shall be allowed under the drip line of any tree without prior approval by the zone administrator.

6. One corridor designated for site access, preferably where the driveway or parking area will be located. Limit construction equipment access, material storage, fuel tanks, chemical or cement rising, vehicle parking and site office locations to non-tree areas.

7. A water and fertilizer plan as required to maintain tree health during construction work.

8. Plans to repair trees wounded or stressed during construction. Any wounds to the bark shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound. Do not apply a wound dressing.

903.M Tree Preservation Account. All money collected pursuant to section 903 – *Tree Protection* shall be recorded and maintained in a special account to be known as the City of Myrtle Beach Tree Preservation Account. Funds may be used to obtain, install, relocate, maintain and preserve trees, landscaping associated with tree plantings, and restoration of tree ecosystems. Funds may also be used to educate the public regarding tree care and the significance of tree ecosystems to our community.

903.N *Penalty*. The property owner and the tree cutter shall be responsible for compliance with this ordinance. Any person found to be in violation of this ordinance shall recompense any tree that is removed or destroyed in violation of Article 9 by the methods listed below:

1. Recompense for Protected or Significant Trees in the form of in-kind replacements on site shall be in an amount totaling the basal area of the removed tree or trees, plus \$200 per tree. On site replacement trees shall be in addition to the minimum required tree coverage established in Section 902 – *Landscaping Regulations* and in addition to any pre-approved tree replacement plan. In-kind replacements shall be minimum two and one half (2.5) caliper inch trees of species with potential for comparable or greater size and comparable or better quality at maturity as the trees illegally removed or destroyed, as determined by the zone administrator. This method of recompense shall not be utilized for violations related to Landmark Trees.
2. Recompense for Landmark Trees shall be payment into the mitigation fund of \$10,000 per tree.

903.O *Trees on Public Property*. The proper installation, preservation, maintenance, relocation and restoration of all trees on city-owned property and public rights-of-way are the responsibility of the City.