

**AN ORDINANCE
AMENDING SUB-SECTIONS 6-16(C)(6) AND 6-16(J)(1)
OF THE ZONING ORDINANCES OF THE CITY OF NORTH CHARLESTON
PERTAINING ROUTINE TREE TRIMMING**

Whereas, the City of North Charleston is empowered to regulate in order to protect the health, safety and welfare of its citizens; and

Whereas, the City has exercised its authority in this regard to safeguard trees and regulate trimming and pruning; and

Whereas, permission is freely given for minor, routine trimming, whereas any activity that would harm the survival of the tree undergoes scrutiny; and

Whereas, the City believes it would be more efficient to eliminate the permit application requirement for ordinary trimming / pruning with minimal impact, understanding that work of greater scale would still require advance approval; and

Whereas, the City recognizes that routine trimming / pruning is often a homeowner periodic maintenance task and, so long as responsible, common sense techniques are employed there is no need to employ a certified arborist to accomplish the same.

Now, therefore, be it Ordained by the Mayor and Council, in Council assembled, that Sub-Sections 6-16(c)(6) and 6-16(j)(1) of the Zoning Ordinances of the City of North Charleston Pertaining Routine Tree Trimming be amended as follows, with all other portions of the ordinance to remain unchanged:

6-16(c)(6)

Nothing in this article shall be construed to prevent the ordinary trimming and maintenance of trees provided that such trimming is not so excessive so as to constitute an abuse as described in this section.

6-16(j)

- (1) *Abuse includes*: alteration of the drip-line, storage of materials within the tree protection barricades; the deposit of any fill material within the tree protection barricades, excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to a protected tree; or any act of malicious damage to a tree. Improper or excessive pruning or thinning shall constitute abuse. For purposes of this article "excessive pruning" shall be pruning or thinning of a protected tree that:
 - (a) Exceeds more than twenty-five (25) per cent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season; and/or

- (b) Pruning that does not leave remaining one-half ($\frac{1}{2}$) of the foliage of a mature tree evenly distributed in the lower two-thirds ($\frac{2}{3}$) of the crown and individual limbs upon completion of any pruning. and/or

THE ABOVE ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS RATIFICATION BY CITY COUNCIL.

Resolved in City Council the 24th day of March, in the Year of Our Lord, 2022, and in the 245TH year of the Independence of the United States of America.

APPROVED AS TO FORM:


LEGAL COUNSEL


R. KEITH SUMMEY, MAYOR


SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL
AGENDA ITEM**

Meeting of March 24, 2022

DATE: December 7, 2021

ITEM TITLE: Ordinance – Final Reading
An Ordinance Proposed to Amend Sub-Sections 6-16(c)(6) and 6-16(j)(1) of the Zoning Ordinances of the City of North Charleston Pertaining Routine Tree Trimming.

SUBMITTED BY: Derk Van Raalte, Legal Department 843-740-2550

CONTACT PERSON: Derk Van Raalte, Legal Department

SUMMARY EXPLANATION:

Section 6-16 of the Zoning Ordinance governs tree protection. Permits are required for a variety of things, including removal. Routine, small scale, pruning and trimming has always been freely allowed. However, a quirk in the existing ordinance language requires a permit application to be submitted for even for such minor work. See 6-16(c)(6). Staff believes that this permitting requirement can be safely eliminated. Tree abuse will continue to be forbidden, so there should be no change as to what tree trimming is permissible. An additional minor language change is proposed for Section 6-16(j)(1), to delete 6-16(j)(1)(c) while leaving 6-16(j)(1)(a) and (b) intact. 6-16(j)(1)(c) currently requires that only a certified arborist may perform even the most minor trimming / pruning. Given that other sections already specify that more major work requires an arborist certification, and that minor trimming work is required to be done in a manner that will not harm the tree, it seems to add needless expense to require that lowest level of routine trimming to be done by a trained arborist.

STAFF RECOMMENDATION:

Staff recommends approval.

BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:

On February 14, 2022, the Planning Commission held a public hearing and unanimously voted to recommend **approval** (5-0-0).

COUNCIL COMMITTEE RECOMMENDATION:

On March 17, 2022 the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented. (11-0-0)

COUNCIL ACTION:

On March 10, 2022, Mayor Summey stated without objections this item will be referred to the Public Safety Committee on March 17, 2022 for further review and a recommendation.

Exhibits

 Resolution X Ordinance Contract Minutes Plan/Map Transfer of Funds Other