

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: December 2, 2024

Agenda Item: 7D	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: New Business: Ordinance. First Reading	Date: November 27, 2024	
Subject: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing tree replacement value [ZTX-24-1]	Division: Planning and Development	
<p><u>Background:</u> The Tree Mitigation Bank was established to provide an alternative to planting required replacement trees in cases where planting is not feasible. The bank collects funds in lieu with the sole purpose of using these funds for planting trees on public grounds and rights-of-way. Currently, the replacement value is set at \$100 per caliper inch, a rate established in 2005. However, with substantial increases in labor and materials over the past two decades, this fee no longer reflects the true cost of tree installation. Based on recent industry experience, the average cost of installing a 2-inch caliper tree has risen to approximately \$600. The current fee has made it more cost-effective for homeowners to pay into the mitigation bank rather than preserve, plant, or maintain trees on private property, thus shifting the installation and maintenance burden to the City.</p> <p><u>Proposal:</u> To address these cost discrepancies and discourage overuse of the mitigation bank, staff proposes increasing the replacement value from \$100 to \$300 per caliper inch. This adjustment aligns with the actual cost of tree installation and will incentivize property owners to complete the required plantings on-site where feasible. The updated fee will ensure that funds in the mitigation bank more accurately reflect the financial demands of tree planting and maintenance on public property, supporting sustainable urban forestry management in the City.</p> <p><u>Planning Commission Action:</u> The Planning Commission conducted a public hearing on November 12, 2024, and voted unanimously to recommend approval of the building amendment. There was no public comment.</p> <p><u>Recommended Action:</u> Approve or deny the proposed ordinance on first reading</p>		
Reviewed by Department Head	Reviewed by Acting City Manager	Reviewed by City Attorney
<p>Council Action: Motion By _____ 2nd By _____ To _____</p>		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
PROVIDING THAT THE CODE OF ORDINANCES, CITY OF
NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED
BY REVISING CHAPTER 23, ZONING, ARTICLE V, TREE
PRESERVATION REGULATIONS, § 23-70.2 OF SAID CODE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN
COUNCIL DULY ASSEMBLED, THAT:**

Section 1. That *Section 23-70.2. - Tree mitigation bank*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 23-70.2. - Tree mitigation bank.

The tree mitigation bank is established as an alternative to planting required replacement trees when it is not feasible to plant said trees. The purpose of the bank is to obtain funds in lieu of planting the trees on private property. The funds will be used for the sole purpose of planting trees on public grounds and rights-of-way. The North Myrtle Beach tree city committee and the department of parks and grounds will manage the account and determine when and where trees are to be planted. ~~Replacement~~ The replacement value shall be ~~one~~ three hundred dollars (~~\$100.00~~) (\$300.00) for each one (1) caliper inch required.

Section 2. That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 12.2.2024
SECOND READING: _____

REVIEWED:

Acting City Manager

ORDINANCE: _____

6E. ZONING ORDINANCE TEXT AMENDMENT Z-24-1: City staff has initiated an amendment to the zoning ordinance addressing the replacement value of trees in the tree mitigation bank.

Background:

The tree mitigation bank was established to provide an alternative to planting required replacement trees in cases where planting is not feasible. The bank collects funds in lieu with the sole purpose of using these funds for planting trees on public grounds and rights-of-way. Currently, the replacement value is set at \$100 per caliper inch, a rate established in 2005. However, with substantial increases in labor and materials over the past two decades, this fee no longer reflects the true cost of tree installation. Based on recent industry experience, the average cost of installing a 2-inch caliper tree has risen to approximately \$600. The current fee has made it more cost-effective for homeowners to pay into the mitigation bank rather than plant and maintain trees on private property, thus shifting the installation and maintenance burden to the City.

Proposed Changes

To address these cost discrepancies and discourage overuse of the mitigation bank, staff proposes increasing the replacement value from \$100 to \$300 per caliper inch. This adjustment aligns more closely with the actual cost of tree installation and will incentivize property owners to complete required plantings on-site where feasible. The updated fee will ensure that funds in the mitigation bank more accurately reflect the financial demands of tree planting and maintenance on public property, supporting sustainable urban forestry management in the City.

The proposed amendment addresses **§ 23-70.2. – Tree mitigation bank.** of *Chapter 23, Zoning*, and would appear in the Ordinance as follows (new matter underlined; deleted matter struck-through):

Sec. 23-70.2. - Tree mitigation bank.

The tree mitigation bank is established as an alternative to planting required replacement trees when it is not feasible to plant said trees. The purpose of the bank is to obtain funds in lieu of planting the trees on private property. The funds will be used for the sole purpose of planting trees on public grounds and rights-of-way. The North Myrtle Beach tree city committee and the department of parks and grounds will manage the account and determine when and where trees are to be planted. Replacement value shall be ~~one~~ three hundred dollars ~~(\$100.00)~~ (\$300.00) for each one (1) caliper inch required.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for zoning text amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting anticipated to occur on December 2, 2024.

Planning Commission Action

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

Alternative Motions

1) I move that the Planning Commission recommend approval of the Building ordinance amendment [Z-24-1] as submitted.

OR

2) I move that the Planning Commission recommend denial of the Building ordinance amendment [Z-24-1] as submitted.

OR

3) I move (an alternate motion).