

**TOWN OF AWENDAW**

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Kent Prause | John Timmons

**Staff Report**

**Subject: Tree Preservation Amendments**  
**Prepared for: Planning Commission**  
**Date: February 23, 2026**

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**Background**

Section 153.195 Significant Tree Protection was amended earlier this year to strengthen the Town's existing Tree protection standards by Ordinance (No. 2025-06) this was approved under its second reading at the May 20, 2025, Town Council meeting. The new language is currently in effect and restricts the removal of significant hardwoods and softwoods based on their diameter at breast height. This new language also provides a path for removal of trees if there is hardship due to compliance with the section and mitigation of tree removal.

As the code is currently written, any form of approval or review is only required for softwood trees **over 24" in DBH**. The section for softwoods and hardwoods reads as follows:

- A) No hardwood trees (excluding gums and water oaks) which are twelve - inch diameter breast height (12 "DBH) or larger in size are to be damaged, destroyed, or removed from any property.
- B) No pines or other softwood trees that are over 24-inch diameter breast height (24" DBH) or larger in size are to be damaged, destroyed, or removed from any property.

The Staff have noted that there is no detailed procedure in which a person could remove a protected hardwood tree if it did not meet the removal criteria, how it should be mitigated. As the code is written, they would be required to petition the Board of Zoning Appeals (BZA) directly, this could result in reoccurring BZA variances for this part of the code. There are identified exemptions and a procedure for removal, if necessary, for pines or other softwoods. In an effort to be proactive staff have proposed revisions to the Significant Tree Protection Section of the Town's Code of Ordinance to offer a clearer mitigation and replacement method.

Planning Commission review proposed changes to the Tree Preservation ordinance as amended in Section 153.195. The revisions to Section 153.196 come from discussions from the broader community and Town Council following recommendations made by the Planning Commission. Those changes are now for your consideration.

### Staff Findings

The recommended language change within Section 153.195 has been reviewed by this body previously and was recommended as presented. These changes were created to provide a broader administrative process to ensure that the same procedure for softwood is being applied to hardwood trees. The establishment of a permitting process ensures that proper oversight and best land management practices are taking place before a tree can be removed. This amendment also expands the requirement of when and how a mitigation plan is acted upon. The recommended language change within Section 153.196 comes from discussions with the broader community and Town Council.

1. The changes from 20 trees per acre to 160 caliper inches create a need to incorporate definition or a process for how caliper inches are measured.

Staff have discussed with municipal arborists and private contractors. 160 caliper inches is a standard measurement across municipalities. Depending on the existing trees on the lot, this requirement may already be satisfied, however, where lots have been cleared or tree coverage reduced, mitigation may be necessary. This could cause additional financial burden on members of the community. If this portion of the ordinance is to be included as proposed staff recommend the enactment of a "Tree Fund" with funds being bought in through mitigation or application fee, in the event a property owner requires assistance with replacement this fund should be made available.

Staff have also facilitated discussions with other members of the Community whom have provided comments previously to this Commission.

### Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on what is proposed.
2. Motion to recommend the amended language to Town Council for approval with additional changes (as determined by the commission).

#### Attachments:

- Staff report
- Ordinance 2026-04
- Public Comments from 01/20/2026 Planning Commission Meeting

**ORDINANCE 2026-04 STAFF REPORT  
ADDENDUM**

Staff were asked by the Planning Commission to gather professional feedback from design professionals regarding the proposed revisions to the Tree Preservation Ordinance.

Staff discussed and facilitated comments from a Tree professional and a Site Design Professional.

The tree professional had the following comments:

Sections 153.195

- (A) Several municipalities exclude gums under a certain DBH, he recommended making the DBH requirement be 24” similar to pines.
- (B) No comments
- (C) He stated that “development projects should include a comprehensive tree survey as well as a tree protection plan. All trees over 12” should be included in the survey. This should be validated by a Town Arborist before approving permit.
- (D) No comments
- (E) See table 156.702-1 in the town of mount pleasant zoning ordinance. There needs to be a clear-cut definition of what people can and cannot do. Due to the nature of the town of Awendaw, you may want to consider making residential homeowners exempt from new ordinances. Homeowners must have a primary residence in town limits and have lived there for a period of time greater than X (determined by planning commission). For nonexempt homeowners you will need to have tree graded by town arborist to validate their findings. Any arborist letter presented by homeowner needs to come from an ISA certified arborist.

<b>Table 156.702-1: Tree Mitigation Calculation</b>								
Key: min = minimum required   < = less than								
<b>Species Quality Rating</b>	<b>Class/ Points</b>	<b>Species Included (But Not Limited To)</b>	<b>Percent Replacement (min.)<sup>1</sup></b>					
			<b>Existing Residential 2</b>			<b>Commercial/Other/ New Residential Subdivision 2</b>		
			<b>Good</b>	<b>Fair</b>	<b>Declining</b>	<b>Good</b>	<b>Fair</b>	<b>Declining</b>
	I 80-100	Live Oak, Bald Cypress, American Beech, Ginko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak <sup>3</sup> , Overcup Oak, Chestnut Oak, Eastern Red Cedar <sup>3</sup>	50	50	25	100	75	50
	II 60-79	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, Swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak <sup>3</sup> , Pecan	50	50	25	75	50	25
	III < 60	Sugarberry <sup>3</sup> , Hackberry <sup>3</sup> , Willow species, Water Oak <sup>3</sup> , Black Cherry, American Elm, Red Maple <sup>3</sup>	50	25	0	50	25	0
	IV4	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar, Mulberry, Leyland Cypress	0	0	0	0	0	0

- (F) He recommended that we “Establish a grading system will make this process easier on residents and provide clarity. Fees should be determined by the Town Arborist in accordance with the tree mitigation calculator. Fines should be at the discretion of the Town.”

#### Section 153.196

He recommends the Planning Commission consider:

Separating requirements for both Residential and commercial mitigation plans.

The site design professional recommend changes:

The site design professional recommended increasing the caliber inch of replacement trees to more a mature size.

#### Section 153.195 Significant Tree Protection.

- A) ~~No hardwood trees (excluding gums and water oaks) which are twelve – inch diameter breast height (12” DBH) or larger in size are to be damaged, destroyed, or removed from any property.~~ Significant Tree Classification. No hardwood trees (excluding gums and water oaks) twelve (12) inches DBH (DBH = diameter breast height) or greater, shall be damaged, destroyed, or removed except in accordance with this Section. All development applications shall include a Tree Survey prepared by a qualified professional depicting all Significant Trees.
- a. Exceptions to this include trees grown for farming activities.
- B) ~~If compliance with tree preservation requirements presents a hardship~~ For removal and encroachment of non-grand trees. If the conditions of this section present a hardship, a person must submit a zoning permit application to the Zoning Administrator. ~~a permit for tree removal may be granted~~ must be applied for. when The Zoning Administrator or their designee determines that any of the following conditions exist may grant a zoning permit based on the following factors:
- a. Trees are diseased, dead or dying;
- b. Trees pose a safety hazard to nearby buildings, or pedestrian or vehicular traffic;
- c. Trees prevent essential grade changes or all reasonable utility installations;
- d. Trees prevent all reasonable site configurations;
- e. Trees are within the footprint of a proposed residential structure or septic field, as shown on a site plan;
- f. Removal of trees is the only reasonable means by which building, zoning, subdivision, health, public safety, or other Town requirements can be met.

#### Section 153.196 Grand Tree Protection.

- A) Grand Tree Classification. Grand Trees are recognized as providing exceptional ecological, environmental, scenic, and cultural value and shall receive enhanced protection under this ordinance. ~~No pines or other softwood~~ trees that are over 24-inch diameter breast height (24” DBH) or larger in size are to be damaged, destroyed, or removed from any property.
- B) ~~All site plans for any new development shall include a tree survey depicting all Protected Trees (as defined in Sections A and B above).~~ Grand Tree Protection Zone (TPZ). Each Grand Tree shall have a mandatory Tree Protection Zone (TPZ). The TPZ radius shall equal: 0.5 feet (six inches) of radius per one (1) inch of DBH, measured from the trunk. Within the TPZ, the following activities are prohibited unless approved through the procedures outlined herein:

- a. grading or fill placement
  - b. trenching or utility installation
  - c. compaction by vehicles or equipment
  - d. storage of materials
  - e. alteration of natural drainage patterns
- C) ~~Additionally, Protected trees (as defined in Sections A and B above) may be removed by utilities which are if exempted from these regulations by State law.~~

**Grand Tree Removal and Encroachment Review Process**

- a. **Board of Zoning Appeals (BZA) Review Required**
    - The following actions shall require approval by the Board of Zoning Appeals:
      - i. Removal of any Grand Tree;
      - ii. Encroachment into thirty-three percent (33%) or greater of a Grand Tree TPZ;
      - iii. Any activity likely to materially impact long-term survival of a Grand Tree.
      - iv. Administrative approval by town staff shall only be for grand tree encroachment of 33% or less. Applicants must provide a tree preservation plan produced by a certified arborist.
    - b. The BZA shall make written findings that:
      - i. No reasonable site design alternative exists;
      - ii. Impacts have been minimized to the greatest extent practicable; and
      - iii. Removal is necessary to meet public safety or essential development requirements.
- D) ~~If none of the above conditions are deemed to be met by the Zoning Administrator or their designee, removal of such trees a tree mitigation plan must be mitigated by submitted and approved by the Zoning Administrator or their designee before any tree removal can take place. a mitigation plan of replacement trees~~
- The **A** tree mitigation plan shall include the following:
- i. **A table showing the replacement the total DBH inches lost on a one inch for one inch basis with no replacement tree being less than 2 inch DBH.**
  - ii. **Show the location the location of trees to be mitigated.**
  - iii. Where difficulty in replacing the total DBH of inches lost is approved by the ~~Zoning Administrator~~ **Board of Zoning Appeals** or their designee, the applicant may pay a tree replacement fee of \$100 per DBH inch of ~~significant~~ **hardwoods** and **\$50 per DBH of softwoods.**
- b. If trees are clearcut for farming or timbering, the land may not be used for development for eight (8) years following the removal of trees.
  - c. If trees are removed without an approved permit and mitigation plan, the cost of tree replacement will be increased to \$200 per DBH inch of hardwoods and softwoods.
- E) **Design Priority Standard.** Development shall be designed using the following hierarchy:
- a. Preserve Grand Trees;
  - b. Preserve existing Significant Trees;
  - c. Adjust site layout where feasible;
  - d. Utilize mitigation planting only as a last resort.

**Section 153.1976 Minimum Amount of Protected/Replacement Trees for All office/commercial/industrial sites.**

- (A) ~~For office, commercial or industrial sites,~~ A minimum of ~~20~~ **160 caliper inches of** trees per acre are required to be retained or planted, with the minimum tree size being two and one-half caliper inches.
- (B) The owner or developer is ~~encouraged~~ **required** to retain existing trees on the site **to the maximum extent possible, as determined during the development approval process**, in lieu of replanting.
- (C) **If the required amount of caliper inches per tree to be retained does not exist, or for extraordinary circumstances cannot be retained, an equivalent amount of caliper inches may be planted to satisfy this requirement, with replacement determined during the applicable approval process.**
- (D) **Tree removal is only allowed with an approved development plan; lots may not be cleared without a purpose stated in an approved development plan.**
- (E) **Exceptions to these provisions are delineated in the Chapter 153 Use Conditions division in section 153.132. (CREATION OF SECTION 153.132- SPECIAL EXECPTIONS (RESERVED))**
- (F) **Replacement Trees shall be a minimum of 2.5-inch caliper. The following species are required to be utilized as replacement mitigation trees. List is subjected to staff approval & town administrator.**
  - a. **Live Oak (Quercus virginiana)**
  - b. **Southern Magnolia (Magnolia grandiflora)**
  - c. **Bald Cypress (Taxodium distichum)**
  - d. **Willow Oak (Quercus phellos)**
  - e. **White Oak (Quercus alba)**
  - f. **Blackgum / Tupelo (Nyssa sylvatica)**
  - g. **American Holly (Ilex opaca)**
  - h. **Red Maple (Acer rubrum)**