

**CITY OF BEAUFORT
PLANNING COMMISSION
WORKSESSION AGENDA**

1911 Boundary Street, Beaufort, SC 29902
Phone: 843-525-7011 ~ Fax: 843-986-5606

Monday, March 3, 2025, 1:00 P.M.

City Hall, Planning Conference Room, 1st Floor – 1911 Boundary Street, Beaufort, SC

STATEMENT OF MEDIA NOTIFICATION: "In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place and agenda of this meeting."

- I. **Public Comment**
- II. **Discussion of Chapter 5 Landscaping, Parking, and Lighting**
- III. **Public Comment**
- IV. **Adjournment**

Note: If you have special needs due to a physical challenge, please call Julie Bachety at (843) 525-7011.

**The Beaufort Code -
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(Based on suggested revised copy as of January 21, 2025)**

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5: LANDSCAPING, PARKING AND LIGHTING

5.1: PURPOSE AND INTENT

5.1.1 PURPOSE and Intent

~~The purpose of this article is~~ The purpose of this ordinance article is to regulate and protect a sustainable and healthy tree canopy throughout the City of Beaufort while promoting the benefits and advantages of retaining mature trees in our landscapes, parks, and streets. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.

Trees are multigeneration and, when properly care for, can live for many, many years. We are stewards, not owners, of these long-lived entities even while they are growing on our private property. To live near trees is to accept some degree of risk.

Trees values increase exponentially as the tree ages. Trees, especially mature forests, are the cheapest, fastest, and most reliable form of carbon storage. Trees get increasingly better at doing this as they age. There are no carbon sequestration techniques currently known to work better than allowing trees to absorb carbon from the atmosphere.

Aside from their aesthetic appeal and the beautification of our communities and neighborhoods, trees provide a litany of benefits. Air quality, stormwater management, wind buffers, increased property values, and cooling effects to our homes and communities are just a few of their many benefits. We now also know through research that trees can benefit our physical and mental health. We have not only an environmental responsibility but also a social responsibility to preserve trees where possible.

Specifically, the standards in this section are meant to:

- Maintain the current and increase for future, the total tree canopy within the City limits;
- Preserve healthy, mature trees that might otherwise be removed through the required use of arborist reports and tree risk assessments;
- Lessen air pollution and promote clean air quality by increasing dust filtration;
- Prevent soil erosion;
- Improve surface drainage, minimize flooding, and minimize the cost of constructing and maintaining drainage systems necessitated by the increased
 - flow and diversion of surface waters;
 - Conserve energy by reducing heating and cooling costs;
- Ensure that noise, glare, and other distractions originating in one area do not adversely affect adjacent areas;
- Reduce noise, heat, dust, and glare;
- Educate the public as to the importance of trees and the inherent risks that they pose and that most tree risks can be mitigated for;

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- Beautify and enhance land and views from the Town’s entryways, public lands, and streets;
- Preserve residents’ quality of life and the natural heritage of the City; and
- Maintain the ambience of the City of Beaufort and enhance property values.
- A. Recognize the importance of trees and other landscaping and their contribution to health, welfare, beauty, safety, history and general well being in all areas within the jurisdiction of the city.
- B. Establish reasonable minimum standards governing the preservation, planting, protection and maintenance of trees and other landscaping.
- C. Protect and enhance property values.
- D. Maintain the aesthetic quality of the community as a whole.
- E. Moderate climate and reduce energy costs,
- F. Mitigate the negative impact of noise, glare, air and water pollution, and soil erosion on the city and its residents.

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5.1.2 INTENT

~~The intent of this article is to create user friendly standards that encourage the preservation of existing vegetation, and guide appropriate mitigation, if necessary. Trees are an extremely important resource in Beaufort and give the city some of its unique and defining characteristics. Great care should be taken to integrate new development into the existing landscape, and to preserve natural vegetation where possible.~~

5.1.23 Definitions

(a) Arborist Report. A report compiled by an ISA certified arborist containing pertinent information about the physical and structural health of the trees on a site.

(b) Caliper. The diameter of the trunk measured six (6) inches above the ground for trees up to and including four-inch diameter and measured twelve (12) inches above the ground for larger trees. This measurement is used for proposed or nursery-grown trees.

(c) Certified Arborist. A person who has met the criteria for certification from the International Society of Arboriculture (ISA), maintains his or her credentials, and is a full-time employee of the company submitting the request for pruning or removal.

(d) Clearcutting. A forestry practice in which most of or all the trees in an area are uniformly cut down.

(e) Commercial Use. Any use of property for a principal use of operating a “business,” as defined in Section 3.6 and Section 13.1 XXXX of the Beaufort Code, that may be operated for the object of gain, benefit, or advantage by way of rental income.

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(f) Developed. Land on which manmade structures exist or land modifications (clearing, grading, etc.) have occurred.

(g) Diameter at Breast Height (DBH). The diameter in inches of the trunk of a tree, or, for multiple trunk trees, the aggregate diameters of multiple trunks, measured four and one-half (4½) feet from the existing grade at the base of the tree. This measurement is used for existing trees.

(h) Diseased. A severe disease or pest that is known to cause or is causing the death of a tree.

(i) Drip Line. An imaginary vertical line extending downward from the outermost tips of a tree’s branches to the ground.

(j) Elevated Risk. A tree, or any part of a tree, that poses a risk of harm to person or property due to damage, deterioration, or numerous hazards, and where such risk cannot be mitigated by any arboricultural procedures.

(k) Healthy Tree. A tree that is not dead, dying, diseased; is not at an elevated risk for failure; or is not an invasive tree.

(l) Impervious Surface. Solid surface that prevents aeration, infiltration, and water penetration, resulting in several harmful side effects.

(m) Invasive Species. Any non-native organism whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(n) Official. A member of Town staff designated by the Town Manager.

(o) Overstory Tree. A tree that, when mature, reaches a height of at least thirty-five (35) feet.

(p) Pervious Surface. A surface that allows water to percolate through to the area underneath rather than becoming runoff.

(q) Replacement Planting. Tree planting that is proposed as a replacement for a tree which has been cut down.

(r) Residential Lot of Record. A lot existing prior to the adoption of this ordinance where single, two-, or three-family development is permitted.

(s) Specimen and Landmark Trees. Certain trees, because of their species and size, are an asset to both the Town and the individual property owners and are designated as "specimen" and "landmark" trees. Specimen trees are valuable due to their age and potential to reach landmark size. Landmark trees are the most mature and valuable in the urban canopy.

(t) Tree Protection Zone. The area reserved around a tree or group of trees in which no grading, access, stockpiling, or other construction activity shall occur, the extent of which will be determined by the proposed site design and existing site conditions.

(u) Undeveloped. Raw land on which manmade structures or land modifications (clearing, grading, etc.) do not exist.

(v) Understory Tree. A tree that, when mature, reaches a height of twelve (12) to thirty-five (35) feet and whose natural habitat is growing under larger, higher canopied trees.

(w) Willful Violation. A violation in which the landowner, developer, and/or operator knowingly failed to comply with the requirements of this section.

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ADDITIONAL REFERENCES

Appendix A contains supplementary references to this section, including:

- Certified arborist report requirements.
- Recommended tree and shrub lists.
- Sample tree saved/removed chart.
- Applicable details.

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5.2: APPLICABILITY AND ADMINISTRATION

5.2.1 APPLICABILITY

A. General

(1) Permit required for removal. Except as exempted in 5.2.1.B. below, a Tree Permit shall be required to remove or relocate any tree of 8" DBH or more, or a specimen or landmark tree, in the City.

(2) Permit required for pruning. A Tree Permit is required to prune any landmark tree as described in Table 5.3.1.A. Pruning must be done by, or under the guidance of, a certified arborist.

(3) Consistent with the purpose of this section, all persons shall make all reasonable efforts to preserve and retain any existing specimen and landmark trees and established stands or groves of trees which may serve as habitat corridors.

(4) Failure to comply with the standards of this section shall be a violation of this ordinance and subject to the remedies and penalties specified in Chapter 12 Section XXXXX of the Beaufort Code.

B. Exemptions

(1) The following activities are exempt from the standards in this ordinance and the requirements for a Tree Permit:

a. Removal of severely damaged trees that have an imminent likelihood of failure or pose an immediate risk to person or property following a natural disaster such as a hurricane, tornado, ice or windstorm, flood, wildfire or any other such act of nature.

b. Tree removal associated with forestry activities shielded from local development regulation in accordance with S.C. Code Ann. 48-23-205, subject to the limitations on subsequent development in Section 5.2.2.C. below. Forestry activities shall be regulated by a Forestry Management Plan approved by a certified South Carolina Forester.

c. Removal of plant species designated as invasive by the South Carolina Forestry Commission, including, but not limited to the following:

i. Chinese Tallow (*Triadica sebifera*), Chinaberry Tree (*Melia azedarach*), Callery Pear (*Pyrus calleryana*), Camphor Tree (*Cinnamomum camphora*), Princess tree (*Paulownia tomentosa*)

(2) No Tree Permit is required where the proposed tree removal or alteration is reviewed and authorized in accordance with an approved Site Development Permit or Building Permit, though compliance with the standards in this section is required.

(3) Residential Lots of Record, as defined herein, are exempt from the mitigation requirements of Section 5.5.2.C. Mitigation for tree removals in conjunction with development of these properties shall be regulated by Section 5.5.2.F. below. All other requirements of this ordinance shall apply to such uses.

A. **Applicability:** The standards in Sections 5.3—5.6 of this article shall apply as outlined in the table below.

DEVELOPMENT CONDITION	APPLICABILITY
New Construction	
All new construction (except construction of single-family and 2-and 3-family dwellings on	All standards apply unless noted otherwise.

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existing lots of record prior to the adoption of this Code).	
Single-family and 2- and 3-family dwellings on existing lots of record	Compliance with this article is not required except for 5.3.1 - Minimum tree coverage must be met. 5.4.1 - A permit is required for any Specimen or Landmark tree to be removed.
Parking Area Expansion	
Expansion of less than 50% of total existing parking area.	All standards apply to the parking lot expansion areas only.
Expansion of more than 50% of total existing parking area or 12 spaces or more, or any expansion in conjunction with new construction/addition to a building.	All standards apply to the entire parking lot areas.
Building Expansion/Reconstruction	
Expansion of less than 50% of existing floor area.	All standards apply within the area around the building addition extending to the property line only. (See diagram, below.)
Existing Development	
Building interior and/or exterior renovation only, less than \$2510,000.	Compliance with this article is not required.
Building interior and/or exterior renovation only — \$2510,000 or greater.	All <u>perimeter landscaping</u> standards of <u>Section 5.4</u> apply, <u>required investment is 5% of total project cost. See Section 11.7.2 A. for work that counts towards this requirement.</u>

5.2.2 ADMINISTRATION

A. Application Procedure: No Project Permit shall be issued, nor any development be commenced, for any site subject to the requirements of this article without an approved plan for all site elements including

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landscaping, lighting, and parking, as part of a greater development design review process as outlined in Article 9 (Development Review Procedures).

A. Tree Protection Information in Applications

1. New Development

a. Applications for a Major Subdivision, Site Development Permit, or Commercial Building Permit shall include at least the following information:

- i. A complete Tree Survey verified by a certified arborist, as described in subsection 5.2.2.A.3. below;
- ii. A brief written narrative of proposed plans for tree protection and justification for proposed removals and replacements, verified by a certified arborist;
- iii. A complete tree tally sheet listing exact species and diameter of trees on site;
- iv. For a Site Development Permit, a complete site development plan showing utility lines, grading activities, and building footprints in relation to existing trees and denoting trees to be removed with an "X"; and
- v. A replacement tree replanting schedule, if required by Sections 5.3.2.G and 5.5.2 below.

b. Applications for a Residential Building Permit shall include at least the following:

- i. A complete Tree Survey;
- ii. A certified arborist report including all specimen and landmark trees; and
- iii. A complete site plan showing utility lines and building footprints in relation to existing trees and denoting trees to be removed with an "X."

2. Existing Development. Applications for pruning or removal of trees on individual developed lots shall include a tree survey and a report from a certified arborist. An exception is granted on developed single-, two-, and three-family lots wherein a report from a certified arborist is only required for removal of a specimen or landmark tree and pruning of a landmark tree. A tree survey shall never be required on developed single-, two-, and three-family lots.

3. Tree Survey. The tree survey shall be in the form of a map or site plan, prepared and sealed by a registered land surveyor within two years of the date of application. The tree survey shall be at the same scale as the required site development plan and shall include the species and DBH of all trees 8" DBH or greater.

- i. All palmetto trees over eight (8) feet tall shall be measured in height, from the ground to the base of the frond initiation point.

B. Pre-Development Standards. Trees shall be marked with color ribbons, using blue ribbons to mark trees to be preserved, red ribbons for trees to be removed, and orange ribbons for elevated risk trees that are proposed to be removed (elevated risk trees will not count towards the overall required tree replacement). In heavily wooded areas, the official may allow large groups of trees to be preserved or removed to be marked with the appropriately colored ribbon extending around the perimeter of the group of trees.

C. Penalty for Clear Cutting Prior to Development. Nothing in this section shall be construed as to prevent the practice of forestry, as exempted from local development regulation by S.C. Code Ann. § 48-23-205. Forestry practiced in the City shall be accompanied by a Forestry Management Plan that has been approved by a certified South Carolina Forester.

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1. Two Year Deferral. If the developer removes any portion of the trees that would have been protected by this section pursuant to a development application, the application shall be deferred for a period of two (2) years after completion of the removal, and the mitigation and replanting requirements of this ordinance shall apply.

2. Five Year Deferral. If the landowner, developer, and/or operator does not have a Forestry Management Plan, the work was not completed according to the Plan, or transfer of property occurs following the completion of the work, it shall be considered a willful violation of City ordinances and an application for a development permit on any portion of the property will be deferred for five (5) years, and the mitigation and replanting requirements of this ordinance shall apply.

DB. Landscaping Installation and Guarantee:

1. No certificate of occupancy for any development on a site subject to the requirements of this article shall be issued until all landscaping materials are in place according to the approved plan, or a cash performance guarantee is posted with the administrator for 125% of the cost of the uncompleted landscaping, including labor, as determined by the administrator. The cost estimate shall be prepared by a qualified landscape contractor using prevailing material and labor costs.
2. The life of the guarantee shall not exceed 12 months. If the approved landscaping, including ground cover if applicable, is not properly installed within 12 months of the certificate of occupancy, the guarantee shall be forfeited to and used by the city to complete the approved landscaping, with any remaining funds returned to the person who posted the guarantee.
3. A maintenance guarantee (for permitted types of guarantees, see Section 7.1.5) equal to 20% of the cost of all required landscaping, including labor, as determined by the administrator based on a cost estimate prepared by a qualified landscape contractor using prevailing labor and costs, shall be held for a period of 1 year following completion of landscape installation.
4. The maintenance guarantee shall be returned only where the landscaping has been surveyed by the city and determined to be in good health. Where any portion of the required landscaping is dead, dying, or significantly declining, the landowner shall be responsible for its replacement prior to release of the guarantee. Where replacement landscaping is required, and such landscaping exceeds 25% of the required project landscaping, the maintenance bond shall be held one additional year to ensure successful installation of the replacement landscaping.

EE. Enforcement: Enforcement of this Section shall follow the requirements of Article 12 of this Development Code.

5.3: TREE PLANTING AND PROTECTION

5.3.12 SPECIMEN AND LANDMARK TREES

A. Designation of Specimen and Landmark Trees: Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as "specimen" and "landmark" trees. Such trees shall be defined as those trees with a DBH equal to or greater than that indicated which meet the criteria in the following table:

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>SPECIMEN TREE (MIN. DBH)*</u>	<u>LANDMARK TREE (MIN. DBH)*</u>
<u>Cornus florida</u>	<u>Flowering Dogwood</u>	<u>4 inches</u>	<u>18 inches</u>
<u>Cercis canadensis</u>	<u>Redbud</u>	<u>4 inches</u>	<u>18 inches</u>

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5.3: TREE PLANTING AND PROTECTION

<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>4 inches</u>	<u>24 inches</u>
<u>Ilex opaca</u>	<u>American Holly</u>	<u>4 inches</u>	<u>14 inches</u>
<u>Juniperus virginiana</u>	<u>Eastern Red Cedar</u>	<u>12 inches</u>	<u>24 inches</u>
<u>Quercus virginiana</u>	<u>Live Oak</u>	<u>12 inches</u>	<u>24 inches</u>
<u>Sabal palmetto</u>	<u>Cabbage Palm</u>	<u>18 feet tall</u>	<u>36 feet tall</u>
<u>Taxodium distichum</u>	<u>Bald Cypress</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Quercus velutina</u>	<u>Eastern Black Oak</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Nyssa sylvatica</u>	<u>Tupelo/Black Gum</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Quercus alba</u>	<u>White Oak</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Quercus falcata</u>	<u>Southern Red Oak</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>16 inches</u>	<u>24 inches</u>
<u>Ulmus americana</u>	<u>American Elm</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Pinus palustris</u>	<u>Longleaf Pine</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>Fagus grandifolia</u>	<u>American Beech</u>	<u>16 inches</u>	36 <u>24 inches</u>
<u>All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — those species are never considered specimen or landmark trees, regardless of their size</u>		<u>24 inches</u>	<u>36 inches</u>
<u>Post Oak</u>		<u>24 inches</u>	
<u>Pecan</u>		<u>24 inches</u>	
<u>Hickory</u>		<u>24 inches</u>	
<u>Sweet Gum</u>		<u>24 inches</u>	
<u>Laurel Oak</u>		<u>24 inches</u>	
<u>Sycamore</u>		<u>24 inches</u>	
<u>All other pines</u>		<u>24 inches</u>	
<u>* DBH = diameter at breast height (or about 4.5 feet above grade)</u>			

B. Preservation of Specimen and Landmark Trees: Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).

C. Mitigation for Preserving Existing Trees: To incentivize saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non Longleaf Pines, may be used as mitigation credits for that same species.

- 5: LANDSCAPING, PARKING AND LIGHTING
 5.3: TREE PLANTING AND PROTECTION

Example: If a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.

These credits may be used to satisfy the requirements in the Section 5.3.1, Section 5.5 – provided the preserved tree(s) is located in accordance with the requirements of that section – and Section 5.6.2.D. Landscape credits may not be used to reduce the total number of street trees required, or to alter the street tree spacing requirements established in Section 7.2.5 (Street Tree Planting Requirements), unless these trees are located adjacent to the street in the location where street trees would typically be planted. However, required street trees do count towards the mitigation credits.

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5.3.21-TREE COVERAGE REQUIREMENTS

A. **Applicability and Standards:** In addition to the standards laid out in this section and Section 7.2, land or property shall maintain a minimum baseline canopy coverage area as detailed in this Section. ~~based on the zoning district and lot size. This canopy can be comprised of existing trees, new trees or a combination of both, and shall be per the table below:~~

DISTRICT		MINIMUM NUMBER/TYPE OF TREES REQUIRED BASED-ON-DISTRICT-AND-LOT-SIZE
1 Broad-Leaved Overstory Tree Required		
T3	T3-S	per 3,000 square feet of lot size
	T3-N	per 4,000 square feet of lot size
T4	T4-HN	per 4,000 square feet of lot size
	T4-N	per 6,000 square feet of lot size
T5	T5-DC	NO-MINIMUM
	T5-UC	NO-MINIMUM
CONVENTIONAL	RMX	per 6,000 square feet of lot size
	IC	per 3,000 square feet of lot size
	MHP	NO-MINIMUM
	LI	NO-MINIMUM
	MR	NO-MINIMUM

B. ~~**Approach to Meeting Requirements:** This tree coverage requirement may be met through the retention of existing trees, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the tree canopy coverage requirement, as set forth above, must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required. If it is not possible to plant overstory trees, two understory trees may count as one overstory tree.~~

C. ~~**Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.~~

B The Tree Permit Issuance Process: shall conform to the following:

1. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:

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2. Permit Required for Removal:

3. A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.1.

4. For single family and 2- and 3-family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.

5. **Permit Required for Pruning:** A permit shall be required for the pruning of any overstory tree designated as a landmark tree, as established in Section 5.3.1. Pruning must be done by, or under the direct supervision of, a certified arborist, and shall meet ANSI A300 Standards for tree pruning.

6. **Trees Designated for Retention:** A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.

7. Upon application review, the Codes Administrator or designee, shall approve, approve with conditions, or deny the permit. The applicant shall be notified of approval or denial, and, if denied, informed of the reasons for denial.

8. Permits may be issued conditionally, provided that any conditions are stated in writing and are appropriately referenced on the permit. Among such conditions may be stipulations that the developer of a site provide legal mechanisms which ensure the protection of Specimen and Landmark Trees after construction has occurred on the development. Such mechanisms may include, but not be limited to, conservation easements, common open space requirements, tree protection easements, deed restrictions and restrictions in homeowners' or condominium association documents.

9. A copy of the approved tree permit shall be clearly posted on the job site during all phases of clearing and construction activities.

C. **Tree Removal:** No person shall cut down, destroy, remove or move, or effectively damage any tree 8" or greater DBH or any specimen or landmark Tree located on any public or private real property within the City, unless otherwise exempted, without prior authorization from the City. For the purposes of these regulations, a specimen or landmark tree shall be any tree utilized in achieving and maintaining conformance with any City tree or landscaping standards. No person shall cause, suffer, permit or allow the following:

1. The removal of a specimen or landmark Tree without first obtaining written authorization, to include all necessary permit(s), from the City to conduct the removal.

2. Any encroachments, excavations, or change of the natural grade within the critical root zone (CRZ) of a Protected Tree unless approved by the City Codes Administrator, prior to the commencement of said activity, that the activity will not negatively impact any specimen or landmark Tree. The critical root zone area shall be defined as the greater of either:

i. The area extending from the trunk of the tree to the outer-most point of the canopy; or,

ii. All of the area starting at the trunk and extending to a distance of one (1) foot for each inch in diameter the trunk measures at four and one-half (4 1/2) feet above ground level.

3. In the event questions or disputes arise concerning the identification, size, drip line or other conditions involving specimen or landmark Trees, the City may call upon and consult with a landscape architect or other qualified professional in order to reach a decision. All appeals of staff decisions, and other forms of administrative relief sought as a result of the application of these standards, shall be the purview of the Board of Zoning Appeals.

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4. Priority shall be placed on the retention of existing specimen and landmark trees.

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5. **Authorization for Tree Removal:** No authorization for the removal of a specimen or landmark Tree shall be granted unless the applicant for removal of the tree demonstrates one or more of the following conditions:

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i. **Health.** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and/or staff evaluation.

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ii. **Elevated Risk.** Whether or not the tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.

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iii. **Developability.** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements, and other relevant site development considerations.

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6. **Timing.** The official shall be notified 48 hours prior to tree removal approved under a Site Development Plan.

i. ~~The intended, approved proposed use of the site cannot reasonably be undertaken unless specific trees are removed or relocated, with any resulting loss in canopy area replaced in an approved location.~~

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ii. ~~The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.~~

iii. ~~The tree materially interferes with the location, servicing or functioning of existing utility lines or services.~~

iv. ~~The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.~~

v. ~~The tree is diseased, insect ridden or weakened by age, abuse, storm or fire and is likely to cause injury or damage to any person or other property.~~

vi. ~~Any law or regulation requires the removal.~~

D. **Tree Protection With Development:** Developers shall avoid any activity during all phases of construction that may result in:

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a. Mechanical injuries to roots, trunk, and branches

b. Injuries by chemical poisoning

c. Injuries by grade changes

d. Injuries by excavations

e. Injuries by paving.

f. Any willful action determined to be inconsistent with this standard, and which results in the injury of a specimen or landmark tree, shall constitute a violation of these regulations.

g. Upon completion of construction, or as otherwise approved, the fencing and other measures may be removed to allow for landscaping and final site work, provided all work is either conducted with hand tools, or with machinery utilized in a manner appropriate to protect against soil compaction and other damage to root systems.

E. **A Tree Protection and Restoration Plan (TPRP)** shall be submitted along with all other materials required at the time of application for preliminary plat review of a Major Subdivision, Planned Development, Tract

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Home Development, Multi-Family Development, Townhome Development, or Duplex Development. The TPRP shall include the following:

1. All trees and features required by an approved TPRP shall be installed prior to the issuance of a Certificate of Occupancy. The Code Administrator may approve a reasonable delay in installation, provided the developer provides a bond of an amount sufficient to provide for the installation of all required items.

- a. A tree survey, performed by an engineer, certified arborist, or registered landscape architect, licensed by the State of South Carolina, identifying both the existing areas of canopy coverage, and all mature canopy trees located on the proposed development site prior to any disturbance;
- b. A graphic representation of the location of all mature canopy trees (noting the type and size) within fifty (50) feet of any area to be disturbed, indicating whether each is to be preserved or removed, and showing all protective measures such as fencing;
- c. Notes specifying that: 1) no disturbance is to occur within fifty (50) feet of mature canopy trees until all required protective measures are installed, inspected and approved; and, 2) all landscaping work occurring in the critical root zone area subsequent to the removal of protective measures is restricted to hand tools and machinery appropriately configured to limit negative impacts on existing root systems; and,
- d. A description of the efforts proposed to be taken to offset or mitigate any impacts to the canopy, such as transplanting or planting replacement trees.

F. Protective Fencing: The owner shall be responsible for the erection of required protection fencing, and any other specified measures, necessary to protect any existing or installed vegetation prior to the commencement of disturbance activity. At a minimum, all trees proposed to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The following standards shall apply:

- 1. The location of tree protection fencing and method of construction shall be noted on the landscape plan.
- 2. Tree protection fencing shall be installed and remain in place and in good condition until all development activities are completed.
- 3. The tree protection fence shall be located one (1) foot from the tree trunk for each one (1) inch in Tree Diameter Breast Height (DBH) with a minimum distance of ten (10) feet required from the edge of the trunk
- 4. Tree protection fencing shall be constructed from any material substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the development process.
- 5. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment is allowed in the tree and root protection area(s) of trees to be retained.

G. Tree Replacement: The following standards shall apply to all required tree replacements:

- 1. Replacement species shall be the same species as each tree removed, provided the removed tree was a native species; all other replacement trees must be listed on the City's approved tree list.
- 2. Replacement formula: one (1) square foot of replacement canopy (measured at maturity) for one (1) square foot of canopy removed.
- 3. Single trees may be replaced with two (2) or more trees provided the caliper inch requirements measured at DBH are met.
- 4. Replacement trees shall be planted within any part of the development site or on City property with staff consultation and approval.

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—If it is determined that a site cannot sustainably support all or a portion of the required tree replacement pursuant to Section 5.5.2.B, then a fee based on the mitigation schedules in Sections 5.5.2.B. or 5.5.2.C shall be paid to the City for the purposes of tree planting and maintenance, by the City that the replacement of a removed specimen or landmark tree is not feasible or would negatively impact surrounding properties, the party responsible for conducting the tree replacement activity shall, in lieu of actual tree replacement, be assessed a tree mitigation fee as set in the City's fee schedule.

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H. Tree Maintenance Plan: All Specimen and Landmark Trees shall be maintained in conformance with the following:

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1. Required maintenance activities shall, for no less than a five (5) year period after completion of development, be set out in a plan approved by the City.
2. During the required maintenance period, the City Codes Administrator, or designee, shall have the right to conduct periodic inspections to ensure continuing compliance with the maintenance plan, and to confirm the health and viability of all required trees and plant material. In the event an inspection reveals a specimen or landmark tree to be missing, dead, or otherwise unhealthy and/or a threat to safety, notice of the situation, along with recommended actions for mitigation, shall be provided to the property owner, who shall either comply with the recommended actions, or, if appropriate, plant an approved replacement tree, within thirty (30) days.

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I. Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has executed an agreement with the city that:

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1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.
2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.
4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any specimen or landmark tree.

J. Waiver for Emergency: In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.

K. Normal Tree Maintenance: Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except landmark trees upon which any pruning must be done according to Section 5.4.1 A.2.

L. Canopy Standards

All development proposed subsequent to the adoption of section, with the exception of those activities specifically listed herein, shall be subject to the following standards. In the event any proposed development is subject to a zoning district requirement(s) that conflicts with one or more standards contained in this section, the zoning requirement shall govern.

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1. **Exemptions:** The following development and activities shall be exempt from the requirements of this section:

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- a. Removal and/or trimming of any tree not identified by these standards as a Landmark or Specimen Tree located on single-family dwelling lots or parcels by the owner.
- b. Mitigation efforts associated with clean-up activities following a natural disaster or other significant Acts of God; typically, the City will issue a period of waiver of the strict application of these standards for a specified period of time.
- c. Licensed plant and tree nurseries, and other duly permitted commercial tree growers, provided trees are planted or growing on the premises for sale to the general public in the ordinary course of business.
- d. Tree pruning and removal by duly constituted communication, water, sewer, electrical or other utility companies; or federal, state, or local government agencies; or engineers or surveyors working under a contract with said utility companies or agencies, provided removal is limited to those areas necessary for maintenance of existing lines or facilities, or for construction of new lines or facilities in furtherance of providing utility service to its customers. Additionally, all such activity must be conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, shall not be greater than that specified by the National Electrical Code, or other appropriate adopted industry standard, for safe electrical clearances.

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2. **Required Canopy Coverage for Development:** All proposed non-residential, multi-family residential, and mixed-use development, units anticipated to have a land disturbance area greater than five thousand (5,000) square feet, or to have shared parking and, shall be subject to the minimum canopy coverage area requirements listed in the Minimum Canopy Coverage Requirements table below. Any single-family residential development consisting of two or less lots (existing single family lots of record are exempt), or existing single family or duplex lots of record, are exempt from the required canopy coverage for development requirements.

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<u>Minimum Canopy Coverage requirements</u>	<u>Existing Canopy Percentage</u>
<u>*Residential Developments (Excepting Simple Lot and Minor Subdivisions)</u>	25%
<u>Commercial Developments</u>	30%
<u>T-5 UC Transect only</u>	15%
<u>Encroachments</u>	<u>The appropriate approval body may authorize encroachments into any setback for the protection of any landmark or specimen tree, or the tree protection zone of any such tree.</u>

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Parking Reduction	The appropriate approval body may authorize up to a 10% total parking reduction for development for the protection of any land landmark or specimen tree, or the tree protection zone of any such tree. Should the development protect over 30% of the existing tree canopy, a parking reduction of 20% on all standards may be authorized by the appropriate approval body. The appropriate approval body may reduce the required parking landscaping requirements of 5.7.8 b, including reduction or removal of parking lot islands, should they conflict with the preservation or protection of a specimen or landmark tree.
Fenestration/Transparency	Should the development protect over 30% of the existing tree canopy, the appropriate approval body may authorize up to a 20% reduction of required fenestration on any building except for properties within the T-5 UC district.

3. Canopy Coverage For Development Calculation: For the purposes of this section, the canopy coverage area of a tree shall be defined as the area contained within the boundary established by a vertical projection along the outermost limit of the tree's crown at maturity. The canopy area cannot include any wetland or required drainage area within its calculation. The canopy coverage area of a parcel or development site shall be defined as the total of all non-conifer tree canopy areas, retained and/or planted, proposed to exist post - development. The following methods may be used to determine the tree canopy area:

a. To Establish Existing Tree Canopy Area

For each mature tree proposed to be retained post – development, the radius (r) of the canopy area shall equal the distance from the center of the trunk to the outermost point of the tree's crown. Calculate the total canopy area (CA) with the following formula: $CA = \pi r^2$. In the event existing site conditions are accurately reflected on aerial photography, the radius (r) may be determined through scaled measurements.

b. To Establish Tree Canopy Area for Trees Proposed to be Planted

To determine the canopy area proposed to be planted, the radius (r) of each species of tree to be utilized, at twenty (20) years maturity, shall be determined based on accepted industry standards, and the total canopy area (CA) calculated ($CA = \pi r^2$).

c. Alternative Methods

The Codes Administrator may approve other methods of calculation or sources of information, provided such alternatives are based on accepted industry practices, and utilize the best available information.

5.4.2 EXCEPTIONS

A. Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights of way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has executed an agreement with the city that:

1. Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.

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2. Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.
 3. Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.
 4. Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any specimen or landmark tree.
- B. Waiver for Emergency:** In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.
- C. Normal Tree Maintenance:** Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except landmark trees upon which any pruning must be done according to Section 5.4.1 A.2.

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5.3.2 SPECIMEN AND LANDMARK TREES

- A. Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as "specimen" and "landmark" trees. Such trees shall be defined as those trees which meet the criteria in the following table:

SPECIES	COMMON NAME	SPECIMEN TREE (MIN. DBH) ^a	LANDMARK TREE (MIN. DBH) ^a
<i>Cornus florida</i>	Flowering Dogwood	4 inches	18 inches
<i>Cercis canadensis</i>	Redbud	4 inches	18 inches
<i>Magnolia grandiflora</i>	Southern Magnolia	4 inches	24 inches
<i>Ilex opaca</i>	American Holly	4 inches	14 inches
<i>Juniperus virginiana</i>	Eastern Red Cedar	12 inches	24 inches
<i>Quercus virginiana</i>	Live Oak	12 inches	24 inches
<i>Sabal palmetto</i>	Cabbage Palm	18 feet tall	36 feet tall
<i>Taxodium distichum</i>	Bald Cypress	16 inches	24 inches
<i>Quercus velutina</i>	Eastern Black Oak	16 inches	24 inches
<i>Nyssa sylvatica</i>	Tupelo/Black Gum	16 inches	24 inches
<i>Quercus alba</i>	White Oak	16 inches	36 inches
<i>Quercus falcata</i>	Southern Red Oak	16 inches	24 inches
<i>Acer rubrum</i>	Red Maple	16 inches	24 inches
<i>Ulmus americana</i>	American Elm	16 inches	36 inches
<i>Pinus palustris</i>	Longleaf Pine	16 inches	36 inches

Fagus grandifolia	American Beech	16 inches	36 inches
All other species of overstory trees except for Laurel Oaks, Sweet Gum, Pecan and other species of Pines — these species are never considered specimen or landmark trees, regardless of their size		24 inches	36 inches
* DBH = diameter at breast height (or about 4.5 feet above grade)			

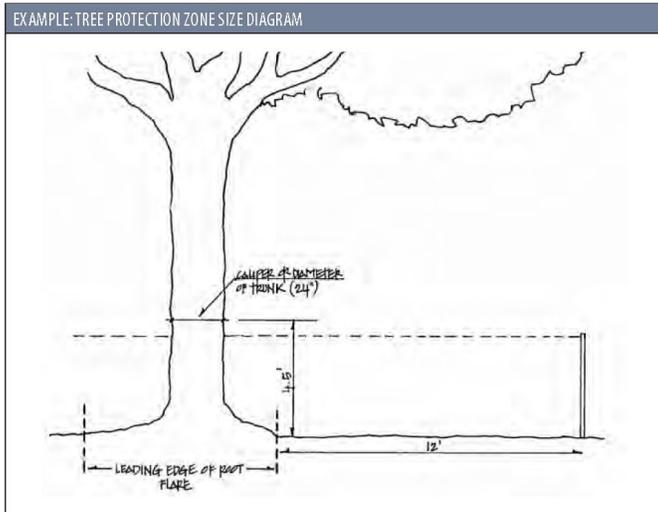
~~B. Preservation of Specimen and Landmark Trees: Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).~~

~~C. Mitigation for Preserving Existing Trees: To incentivise saving a variety of species and sizes of existing trees, credits shall awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non-Longleaf Pines, may be used as mitigation credits for that same species. Example: if a 12" magnolia tree is removed, but three 3" magnolias are saved, only 3" of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.~~

~~These credits may be used to satisfy the requirements in the Section 5.3.1, Section 5.5 — provided the preserved tree(s) is located in accordance with the requirements of that section — and Section 5.6.2.D. Landscape credits may not be used to reduce the total number of street trees required, or to alter the street tree spacing requirements established in Section 7.2.5 (Street Tree Planting Requirements), unless these trees are located adjacent to the street in the location where street trees would typically be planted. However, required street trees do count towards the mitigation credits.~~

5.3.3 TREE ROOT PROTECTION ZONE (TPZ) REQUIREMENTS

- A. **Applicability:** A permanent "tree protection zone" (TPZ) surrounding preserved trees shall be established to protect the underground root system. This area shall not be disturbed at any time before, during, or after construction.
- B. **Size and Shape:** The minimum TPZ shall be as follows:
 1. A circle with a radius of ½ foot per 1 inch of DBH, ideally measured from the leading edge of the root flare.



2. The TPZ shall be indicated on both site and landscape plans for all trees shown to remain.

C. Adjustments and Exceptions:

1. The size and shape of the TPZ may be adjusted where any of the following occur: root pruning, root invigoration, restoring the natural grade of the soil, W.A.N.E. feeder, porous paving materials, and/or a tree well.
2. The size and shape of the TPZ may be adjusted as needed to accommodate construction practices. The reduction of minimum radius of TPZ may require additional remediation measures as recommended and performed by a certified arborist prior to site disturbance.

- D. Tree Wells:** In general, tree wells are discouraged, but if they are used, a well shall encompass at least half the area beneath the canopy of the tree and extend in every direction, no less than halfway from the trunk to the tree's dripline. Tree root aeration system shall be installed that shall extend from 2 feet inside the tree well wall to the dripline of the canopy.

- E. Pre-Construction Treatment:** Based on the certified arborist report, the following may be required to retain trees and facilitate their health during and after the construction process: root pruning, fertilization, and root invigoration. These practices, as applicable, shall be performed a minimum of 3 months prior to site disturbance.

F. Prohibited Activities: The following are prohibited within all TPZs:

1. Placement of building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles.
2. Irrigation pipe installation.
3. Grading, with the exception of a 2-inch cut or 2-inch fill of topsoil, sod, or mulch.
4. Paving for roadways, driveways, or sidewalks.
5. Cutting of roots for installation of utilities or drain pipe of any kind.

6. **Exception:** If excavation work for water line installation within a TPZ is deemed necessary during construction operations, such excavation shall be accomplished utilizing hand excavation methods that remove soil around tree roots without severing them.

~~G. **Construction:** Prior to commencing construction or any site alterations, fencing must be installed to prevent encroachment by people and vehicles. Fencing shall meet the following standards:~~

~~1. **Height and Location:** Fence shall be a conspicuous, visually prominent, 3-foot high barrier erected around the TPZ and approved by the administrator.~~

~~2. **Trees on Adjacent Property:** Where the TPZ of adjacent trees encroaches into the development site, additional fencing shall be required around the TPZ of trees on adjacent properties or right-of-way.~~

~~3. **Material:** All fencing required shall be made of durable materials sufficient to survive the period of construction.~~

~~4. **Groups of Trees:** Barriers may be erected around groupings of trees, where feasible. Signage designating such areas shall be put in place, reading "TREE PROTECTION ZONE: KEEP OUT."~~

~~5. **Timing:** The barrier shall remain in place until all construction, with the exception of landscaping installation, is substantially complete.~~

~~6. **Encroaching with Machinery:** Administrator approval is required for machinery to pass within a TPZ during construction, in which case special cushioning measures, consisting of plywood sheeting covered by a 6-inch layer of wood mulch, or an equivalent material, will be required.~~

H.G. Damages and Repairs: When encroachment or construction activity within a TPZ has damaged or destroyed a tree or tree growing site, the city, at the discretion of the Administrator, may seek mitigation for the value of any damaged trees within a TPZ, per the Mitigation Schedule in Section 5.6.3, and/or may require treatments or additional plantings. Such mitigation shall occur prior to the issuance of a Certificate of Occupancy.

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5.3.4 STREET TREE PLANTING REQUIREMENTS

Street tree planting requirements are established in Section 7.2.5.

5.4: TREE REMOVAL

5.4.1 PERMIT REQUIRED

~~A. **Applicability:** A zoning permit is required for the following tree modifications, as per Section 9.4:~~

~~1. **Permit Required for Removal:**~~

~~a. A Permit shall be required for the removal or relocation, of any tree 8" caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2.~~

~~b. For single family and 2- and 3-family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.~~

~~2. **Permit Required for Pruning:** A permit shall be required for the pruning of any overstory tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the direct supervision of, a certified arborist, and shall meet ANSI A300 Standards for tree pruning.~~

~~3.—Trees Designated for Retention: A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.~~

~~B.—Criteria for Reviewing Applications for Tree Removal: The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:~~

- ~~1.—Health: Whether or not the tree is in good health, according to a certified arborist report or staff evaluation.~~
- ~~2.—Development Potential: Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations.~~
- ~~3.—Access: Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic.~~
- ~~4.—Structural Interference: Whether or not the tree presents a hazard to buildings, structures, or utility lines.~~
- ~~5.—Cost: Whether or not there are cost effective alternatives to tree removal.~~

~~C.—Tree Removal in Conjunction with Development: If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1 C.). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.~~

- ~~1.—Buffer Areas: Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.~~
- ~~2.—In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.~~

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5.4.2 EXCEPTIONS

~~A.—Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights of way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of adoption of this Code, has executed an agreement with the city that:~~

- ~~1.—Recognizes the need to minimize trimming of hardwood overstory trees that do not significantly interfere with the intended purpose of construction or maintenance.~~
- ~~2.—Establishes, to the extent practicable, design guidelines for construction and maintenance that identify the saving of hardwood overstory trees as a factor to be considered in the design process.~~
- ~~3.—Establishes guidelines to avoid limbing, topping, or severe pruning of trees whenever reasonably practicable, and where it is unavoidable, according to ANSI A300 Standards, which may include tree removal.~~
- ~~4.—Provides for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of any specimen or landmark tree.~~

~~B. **Waiver for Emergency:** In the event that a tree poses a threat to public safety due to death, disease, or damage resulting from events including, but not limited to fires, floods, hurricanes, other natural disasters, intentional harm, or negligence, the administrator may waive the requirements of Section 5.4.1. As soon as it is feasible after the waiver, the administrator shall issue written findings outlining the threat to public safety that prompted the waiver. The administrator may require that the owner of the site replace the tree when the findings conclude that the removal was necessitated by intentional harm or negligence.~~

~~C. **Normal Tree Maintenance:** Nothing in this Code shall restrict normal tree maintenance by a property owner (including removal of dead wood and branches or limbs that endanger life or property) for any tree except landmark trees upon which any pruning must be done according to Section 5.4.1 A.2.~~

5.54: PERIMETER LANDSCAPING AND SCREENING

Perimeter buffers are intended to provide spatial separation between uses of differing intensities. Buffers that are required for protection of environmentally-sensitive areas are prescribed by Section 8.1 (Resource Protection Standards).

5.54.1 BUFFER REQUIREMENTS

Landscaped perimeter buffers shall be preserved or established along the front of the sites located within Conventional Districts, and along the side and rear boundary lines along all districts as indicated in the following chart. The buffers are based upon the parcel's zoning district and the District the parcel abuts. Where the buffer requirements in this table are in conflict with the corridor buffer requirements in Section 5.54.1 B., the greater buffer width and/or plantings shall apply.

REQUIRED BUFFER WIDTH AND PLANTING				
District of Proposed Development	*Abutting Use or District	Minimum Width for Side and Rear Buffers	Front Buffer Planting Requirements	Side and Rear Buffer Planting Requirements
LI (Industrial)	All Districts (except LI)	25 ft min.	None, except along the corridors listed in Section 5.45.1 B.	See Section 5.45.1 A.
RMX (Regional Mixed Use)	All Transect-Based Districts, any county residential district	15 ft min.		
All Other Conventional Districts	All Transect-Based Districts, any county residential district	5 ft min.		
T4-N & T5-UC	T3, T4-HN, any county residential district	5 ft min	None - street trees may be required depending on street section designation in Appendix C.	Same requirements as Section 5.76.8 A.

T4-NA	T3, any county residential zoning district	Use-dependant - See Section 3.9	None	Same requirements as Section 5.6.7.8 A.
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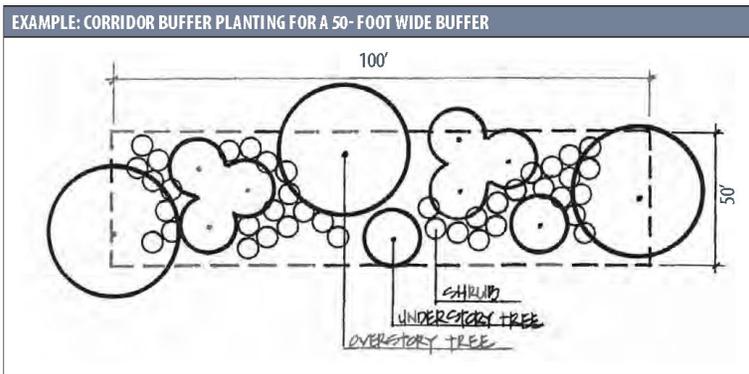
* If the parcel is abutting another district other than the district listed in the chart, no buffers are required.

- A. **Side and Rear Buffer Planting Requirements:** At least 32 broad-leaved overstory tree shall be preserved or planted in, or in close proximity to, each side and rear buffer for every 100 linear feet of buffer or portion thereof.
1. **Exceptions:**
- a. If site conditions are inappropriate for an overstory tree, see Section 5.6.1 K.
 - b. Three existing Cone-Bearing overstory trees (see Appendix A) may be counted to meet the requirements for one broad-leaved overstory tree.
 - c. **Specific to Fuel Sales/Car Wash Facilities:** On any property line where fuel pumps are not screened by a building, 23 additional broad-leaved overstory trees, or 46 understory trees, shall be required for every 100 linear feet of frontage or portion thereof. See Section 4.5.12 for additional design standards for these building types.
 - d. If a rear alley or connection to an adjacent parcel is provided, the administrator may reduce or waive buffer requirements to accommodate adequate connections.
- B. **Corridor Buffers:** In addition to the Conventional District buffer requirements above, buffers shall be provided along all parcel boundaries that abut the major thoroughfares established in the following table.

CORRIDOR BUFFER REQUIREMENTS - FRONT BUFFER WIDTH AND PLANTING				
Location	Required Buffer Width	Number of Trees/Shrubs Required per 100 ft of Frontage		% of Buffer Area
		Broad-Leaved Overstory Trees	Understory Trees	Shrubs
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Broad River Bridge	50 ft min.	3	8	25% coverage
Robert Smalls Parkway (SC 170) from Parris Island Gateway to Boundary Street Redevelopment District	20 ft min.	3	6	25% coverage
Parris Island Gateway (US 21)	20 ft min.	3	6	25% coverage

Sams Point Road (SC 802)	20 ft min.	3	6	25% coverage
Trask Parkway (US 21 northwest of Parris Island Gateway)	15 ft min.	3	6	25% coverage

The administrator may waive or alter these requirements based on the design of the building and how it addresses the street.



- C. **Maintenance of Required Plantings:** Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the front buffer, except in accordance with standard horticultural practice, or as required at driveway sight triangles. See Appendix A for more information on best practices for pruning. See Section 5.4.1 A.2. for pruning permit requirements.

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D. Existing Vegetation

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1. If a buffer area has existing trees, they shall be preserved and be used as part of the buffer to comply with the buffer standards of this Ordinance. Where groupings of native shrubs are present, their preservation with minimum disturbance is required. Any clearing or other work in buffers must have the prior approval of the Codes Administrator.
2. In order to preserve existing vegetation and to restrict activities within a buffer, protective fencing shall be installed in accordance with Section 5.2 A 7 during development activity.
3. Existing vegetation that is preserved shall not be limbed up from the ground more than five feet to the lowest branches, except
 - a. Vegetation at intersections may be limbed up to a greater height to ensure compliance with Sight Triangles; and
 - b. If understory planting is proposed, the Official may allow existing vegetation to be limbed up to a height that will provide adequate sunlight to plants.
4. The removal of invasive species shall be allowed with an approved replanting plan, if needed.

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E. Buffer Materials

At the time of planting, overstory and understory trees included as part of required buffers shall be no less than 2.5 caliper inches; evergreen shrubs shall be at least three feet in height above ground level. All buffer plantings must be native species of plants.

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F. Development Within Required Buffers: Development is prohibited within required buffers except in accordance with this subsection. The following activities may occur in required buffers, unless expressly prohibited elsewhere in this Ordinance:

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a. Street or driveway access, provided it runs approximately perpendicular to/from the adjacent street right-of-way or common property line.

b. Walkways, pathways, trails, benches, bike racks, and other elements associated with passive recreation or the provision of continuous pedestrian and bicycle connections between adjoining properties, provided all landscaping as required by this Section is provided and the Codes Administrator determines that installation or maintenance of such elements will minimize impacts on to required vegetation to the maximum extent.

c. Lighting fixtures.

d. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.

e. Signage, lighting fixtures, and street furniture.

f. Fountains, plazas, sculptures, and similar features that are part of publicly owned facilities, where approved by the Codes Administrator.

g. Service and utility lines and minor facilities (e.g. water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage lines, utility boxes and pedestals), subject to the following standards:

i. Such lines generally shall run approximately perpendicular to/from the adjacent street right-of-way or common property line. If they must be installed approximately parallel to the street right-of-way or property line, the easement for the lines may be included as part of a required buffer if the easement allows the vegetation or structures necessary to meet buffer screening requirements and provides the requisite visual separation in a manner that is aesthetically acceptable; otherwise, additional buffer width shall be required to provide the space needed for the required buffer screening.

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ii. Permission for easement and right-of-way disturbance and clearings for such utility and service lines and facilities shall be more favorably considered when such activity is consolidated with vehicular access routes.

D. Permitted Improvements within Perimeter Buffers: Perimeter buffers shall contain only vegetation, with the following exceptions:

1. Non-Habitable Structures: Non-habitable structures may not encroach into buffers.

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2. Pedestrian Coverings: If awnings, colonnades, arcades, or galleries are incorporated into the building design, landscaping may be reduced or eliminated.

3. Vehicular Access Driveways: These may encroach into buffers only if the driveway is placed approximately perpendicular to the buffer, or if the driveway is shared by adjoining parcels.

4. Sidewalks, Bicycle Paths and Bicycle Parking: These may encroach, provided that they shall not count toward meeting the required landscaped area.

- ~~5. Stormwater Management: Stormwater and drainage facilities that permit vegetation may encroach into the buffers if the planting requirements are fulfilled.~~
- ~~6. Signage, lighting fixtures, and street furniture.~~
- ~~7. Walls, fences, open air structures, and sculpture.~~
- ~~8. Utility and services lines.~~

5.45.2 BUILDING PERIMETER LANDSCAPING (FOUNDATION BEDS)

- A. **Applicability:** The following provisions for building perimeter landscaping (i.e., foundation beds) shall apply to all buildings in the RMX and IC Districts, except single-family and two-family dwellings.
- B. **Requirements:**

FOUNDATION BED REQUIREMENTS BY BUILDING HEIGHT					
Building Height	Minimum Width	Minimum Length (as percentage of building)		Vegetation Coverage ¹ (as percentage of foundation bed)	
		Front	Side/Rear	Front	Side/Rear
1 Story	5 ft	67%	50%	67%	50%
≥ 2 Stories	8 ft	67%	50%	67%	50%

¹ *Trees, shrubs, flowers, or other plant materials may be used to satisfy vegetation coverage requirements. % of coverage is at maturity — see Section 5.56.1 D.3.*

- 1. **Edges:** All building perimeter landscape areas shall be protected from overhanging vehicles by curbs or wheel stops.
- 2. **Sidewalks and Handicap Ramps:** Depending on the building design and orientation, sidewalks and handicap ramps may be placed within the designated building perimeter landscape area. In these instances, the administrator may require that some or all of the required foundation planting are mitigated elsewhere on the site.
- 3. **Pedestrian Coverings:** If awnings, colonnades, arcades or galleries are incorporated into the building design, landscaping may be reduced or eliminated.

5.65: LANDSCAPE INSTALLATION AND MAINTENANCE

5.56.1 GENERAL REQUIREMENTS

- A. Trees planted shall be botanically compatible with local conditions, healthy, and disease-and pest-free. Plant materials shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" (ASNS).
- B. Irrigation shall be required in all new development unless the Administrator specifically waives this requirement, based on the unique character of the development and/or the nature of the proposed plant material.
 - 1. **Exception:** New construction in T3 zones, and single-family residential construction in T4 zones on new or existing lots, is not required to have irrigation.

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- C. Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.
 - D. Installed trees must adhere to the grades and standards outlined in the ASNS. The minimum size at installation of all trees and shrubs planted pursuant to the requirements of this Code is as follows:
 - 1. **Overstory trees:** 2.5 caliper inches (measured at 6 inches above grade).
 - 2. **Understory trees:** 8 feet high.
 - 3. **Shrubs:** Shrubs must be reasonably projected to grow to maturity (i.e., to meet specific size or coverage requirements) within 3 years, unless otherwise specified herein.
 - E. Existing healthy shrubs and trees may be used to satisfy any requirements of this Code, provided they meet the minimum size requirements outlined in Section 5.56.1 D.
 - F. Use of existing vegetation, native plants, drought-tolerant plants, and water conserving irrigation techniques, such as use of a rain sensor, and re-use of rain water, is encouraged. Preservation of groupings of trees (e.g., tree save areas) is encouraged and generally favored over preservation of scattered individual trees.
 - G. Where understory trees are specified, preserved, or planted, broad-leaved overstory trees may be substituted on a one-to-one basis to satisfy the requirement.
 - H. In conjunction with any development, grass or ground cover shall be planted, or mulch installed to a depth of 3 inches, on all portions of exposed bare ground not otherwise developed or landscaped. This shall include planting strips and other areas within rights-of-way that are contiguous to the development site. Grass and/or ground covers shall provide 75% coverage within 1 calendar year from the time of planting. Gravel or crushed shell may be approved as an acceptable ground cover if it is coordinated with the overall site and landscape design; however they shall not be used as a substitute for organic mulch in plant beds. The use of dyed hardwood or synthetic material is prohibited.
 - I. All earthen drainage structures with a maximum gradient of 3:1 may be hydroseeded or sodded. Ditch and pond banks with slopes greater than 3:1 shall be treated with erosion control fabric or matting and/or receive erosion resistant landscaping materials such as ground covers or wetland plant species.
 - J. Landscaping shall not obstruct the view of motorists using any road or driveway.
 - K. Where site conditions are inappropriate for an overstory tree, due to existing utilities, building design, or other conflicts either above or below ground, up to 2 understory trees may be substituted for 1 overstory tree.
 - L. Severe trimming, pruning, or other maintenance that results in significant alteration of the natural shape of a tree or modification of the central leader (including "lollipoping," "heading," or similar techniques) is prohibited, except in conjunction with public utility maintenance.

5.65.2 REPLACEMENT PLANTING AND MITIGATION

- A. **Applicability:**
 - 1. Where the administrator approves removal of ~~specimen and landmark~~ trees for new development.
 - 2. Where any vegetation, existing or proposed, used to comply with the requirements of this section, does not survive in a healthy condition.
 - 3. When a ~~specimen and/or landmark~~ tree protected under this ordinance is removed from a property without permission from the administrator, is significantly damaged during

construction, or significantly declines and is recommended for removal by a certified arborist at the end of the two-year maintenance guarantee period.

B. **Additional Replacement Planting and Mitigation Options:** The tree mitigation fee is established to allow tree planting elsewhere in the City in cases where the requirements for retention of existing trees cannot be achieved. Where ~~the a city-certified~~ arborist determines that a site cannot sustainably support all, or a portion of, the required replacement, due to the size and shape and/or structures and/or viable site constraints, a fee based on the mitigation schedules in subsections 5.5.2.C. or 5.5.2.F. below shall be paid to the City for the purposes of tree planting and maintenance. ~~the following options are available to the applicant to fulfill the mitigation requirements:~~

1. ~~Fee in Lieu of Planting On Site:~~ a fee based on the mitigation schedule in 5.6.2.D shall be paid to the City for the purposes of tree planting and tree maintenance.
2. ~~Planting on an Alternative Site:~~ trees may be planted on city-owned property, including parks or the City's tree farm, or on other property owned by the applicant; all property shall be in city limits. The alternative sites shall be approved by the City Arborist and shall be in accordance with previously approved plans, streetscapes, etc.

C. ~~Exceptions:~~

1. ~~Mitigation for approved tree removal is not required in the T3, T4 HN, or LI districts, or for single-family and 2 – 3 family dwellings in any other districts if the required tree coverage requirements set out in 5.3.1 are still met. Trees removed without appropriate approvals are subject to mitigation in all districts.~~
2. ~~A Specimen and/or Landmark tree that fails due to a natural catastrophe does not require mitigation.~~

CD. Replacement and Mitigation Schedule: With the exception of Residential Lots of Record, ~~Replacement plantings & fee in lieu of mitigation~~ shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100 50%*	\$250 100-500	100%	\$250 500 00
Specimen Tree*	100 33%*	\$2 150	50 100%*	\$1 2050
All other trees 8-inch caliper or greater	25%	none	33%	none
* Any tree <u>that is removed per Section 5.56.2.A.3. shall require 100% replacement of caliper inches, without approval shall require and the fee in lieu of cost/replacement of caliper inches and the mitigation cost per caliper inch to shall be doubled.</u>				
Examples	Approved Removal	Approved Removal	Damage During Construction	Damage During Construction
	Specimen Tree – A 12-inch Live Oak in a transect	Landmark Tree – A 30-inch Live Oak in a transect	Specimen Tree – A 12-inch Live Oak was	Landmark Tree – A 30-inch Live Oak intended to

Commented [JW6]: Port Royal has 50% replacement and \$500 mitigation fee for landmarks and 33% replacement and \$250 for specimen. Are you proposing the higher % of replacement as an alternative to higher mitigation fee?

	zone needs to be removed to accommodate a building. The applicant may choose to either plant back (1) 4-inch Live Oak, or pay a fee in lieu of \$600 (12 inches x \$50/inch).	zone needs to be removed to accommodate a building. The applicant may choose to either plant back (5) 3-inch Live Oaks, or pay a fee in lieu of \$3,000 (30 inches x \$100/inch).	damaged during construction in a Transect zone. It may either be replaced with 12 caliper inches of similar species, OR a fee in lieu of \$2,400 (12 inches x \$100/inch x 2) may be paid.	be preserved was damaged during construction in a Transect zone. It may either be replaced with 30 caliper inches of similar species, OR a fee in lieu of \$6,000 (30 inches x \$100/inch x 2) may be paid.
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Examples
Approved Specimen Removal: a 12-inch Live Oak is approved for removal. The applicant must plant back 12 caliper inches of Live Oak or pay a mitigation fee of \$3,000 (12 inches x \$250/inch) if the site cannot support the replacement.
Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$15,000 (30 inches x \$500/inch) if the site cannot support the replacement. See Section 5.3.2-C. for possible mitigation credits for saving eligible Specimen and Landmark Trees.

(1) Timing of Fee Payment. All required tree mitigation fees shall be paid prior to issuance of a Site Development Permit or Building Permit.

(2) Tree Replacement Fund. The City shall establish and maintain a separate accounting fund for the deposit of tree mitigation fees paid in lieu of providing required replacement trees. Such funds need not be segregated from other City monies for banking purposes. Any yield on such accounting fund shall accrue to that fund and shall only be spent on trees on publicly owned and maintained property. Qualifying debits include the cost of trees, installation of trees, and maintenance of trees.

D. The provisions of this section shall apply to all projects, regardless of the date the Site Development Permit or development approval was issued.

E. Exemption. Any specimen or landmark tree that fails due to a natural catastrophe shall be exempt from the requirements of this section.

F. Replacement and Mitigation Schedule for Residential Lots of Record. Replacement plantings and mitigation on Residential Lots of Record shall be according to the following chart:

REPLACEMENT AND MITIGATION SCHEDULE				
Tree Type	Transect Zones		Conventional Zones	
	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch	Replacement: % Caliper Inches	Mitigation: Cost/Caliper Inch
Landmark Tree*	100%*	\$100	100%	\$100

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Specimen Tree*	100%*	\$50	100%*	\$50
All other trees 8-inch caliper or greater	25%	none	33%	none
* Any tree that is removed without approval shall require the replacement of caliper inches and the mitigation cost per caliper inch to be doubled.				
Examples				
Approved Specimen Removal: a 12-inch Live Oak is approved for removal. The applicant must plant back 12 caliper inches of Live Oak or pay a mitigation fee of \$600 (12 inches x \$50/inch) if the site cannot support the replacement.				
Approved Landmark Removal: a 30-inch Live Oak is approved for removal. The applicant must plant back 30 caliper inches of Live Oak or pay a mitigation fee of \$3,000 (30 inches x \$100/inch) if the site cannot support the replacement.				

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5.76: PARKING

5.67.1 PURPOSE

The purpose of this section is to regulate and ensure the provision of adequate parking and access for bicycles and motor vehicles. The section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community.

5.67.2 APPLICABILITY

The parking standards of this section shall apply to new developments and when a structural alteration in an existing building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity.

5.76.3 BICYCLE PARKING

- A. **Applicability:** Bicycle parking is required everywhere except in the T3 zoning district, in T4 districts in detached single-family residential developments, and in the LI district. In the T5 district, the administrator has the authority to waive the bicycle parking requirement if it is not appropriate or feasible.
- B. **Location and Configuration:** Bicycle parking shall be placed in a usable and accessible location. The rack(s) shall be placed so that neither the rack nor the bike within it blocks pedestrian or vehicular access ways and shall be maintained and kept clean and in proper working order at all times.
- C. **Size:** Developments shall provide either racks for 5% of the number of required off-street vehicular parking spaces or 2 bicycle parking spaces, whichever is greater. Spaces shall be a minimum of 2 feet by 6 feet.

5.76.4 PARKING SPACE REQUIREMENTS

- A. **Minimum Number of Parking Spaces:** The number of motor vehicle parking spaces required shall be determined by the table below. Uses not listed in the following chart shall use the parking requirement for the most similar use, as determined by the administrator.

USE	MINIMUM NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED	
	CONVENTIONAL DISTRICTS	TRANSECT-BASED DISTRICTS
RESIDENTIAL		
Single-Family, and Short-Term Rental	2 per unit	
2- and 3-Family, Multi-Family and Accessory Units		
Studio	1 per unit	
1 Bedroom	1 per unit	
2 Bedrooms	1.75 per unit	
3+ Bedrooms	2 per unit	
Dwelling units located within mixed-use buildings	No spaces required	
Group Homes	1 per 3 bedrooms	
RETAIL		
Gas Stations/Fuel Sales	1 per employee, plus requirements for retail and/or service bays	1 per 400 gross square feet
Restaurant, Cafe, Coffee Shop, Bar, Tavern and Nightclub	1 per 4 seats,* plus 1 per every 2 employees (at max. shift, typical) *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
Drive-Through Facilities	1 per 4 seats* plus 1 per every 2 employees *Only interior seats are counted unless the business only has exterior seating.	1 per 400 gross square feet
All Other Retail Uses	1 per 300 gross square feet	1 per 400 gross square feet
RECREATION, EDUCATION, PUBLIC ASSEMBLY		
Colleges and Universities	1 per 4 students at capacity class attendance	
Community/Public Safety Facilities	1 per 300 gross square feet	1 per 400 gross square feet

Schools, Public or Private		
Grades K-8	2 per classroom	1 per 400 gross square feet
Grades 9-12 or Trade	1 per 4 students and employees	1 per 400 gross square feet
Theaters	1 per 4 seats, plus 1 per 2 employees	1 per 400 gross square feet
All Other Assembly Uses		
With Fixed Seats	1 per 5 seats	1 per 400 gross square feet
Without Fixed Seats	1 per 300 gross square feet	1 per 400 gross square feet
SERVICES		
Day Care (Child or Adult) - 5 or greater	1 per 10 persons cared for (child or adult)	1 per 400 gross square feet
Lodging	1 per room, plus spaces required for on-site accessory uses	1 per 2 rooms
Medical		
Doctor's Offices	1 per 300 gross square feet	1 per 400 gross square feet
Other	1 per 2 beds, plus 1 per staff, plus 1 per 4 employees	1 per 400 gross square feet
All Other Service Uses	1 per 300 gross square feet	1 per 400 gross square feet
INDUSTRIAL	No minimum number of spaces	

B. Credits for On-Street Parking:

1. On-street parking spaces along the lot frontage may count toward the minimum number of required parking spaces if needed.
2. For multi-family dwellings over 3 units, and for commercial buildings over 4,000 square feet, adjacent existing on-street parking within 400 feet from the property line may be used to count toward the on-site parking requirement if needed.
3. Where on-street parking does not exist, additional on-street parking spaces meeting City standards (see Appendix C) may be constructed to fulfill all or part of the on-site parking requirement. This must be approved by the Technical Review Committee and any outside agencies, as appropriate.
4. On a block face where formalized on-street parking is available, single-family and 2-family dwellings, and nonresidential uses with less than 4,000 square feet of space, and any structure listed as "Contributing" on the "1997 Beaufort County Above Ground Historic Resources Survey," or most recent historic survey, shall be exempt from these off-street parking requirements.

C. Maximum Number of Parking Spaces: The maximum number of off-street parking spaces shall be as follows:

1. For buildings with a footprint less than or equal to 60,000 gross square feet, no more than 140% of the required minimum number of parking spaces are permitted.

2. For buildings with a footprint greater than 60,000 gross square feet, no more than 125% of the required minimum number of parking spaces are permitted.
3. **Exceptions:**
 - a. Parcels in the LI district are exempt from these requirements.
 - b. Parcels in the Boundary Street Redevelopment District are exempt from these requirements. See Section 2.7.3 E. for requirements in this overlay district.
 - c. Group Housing or Multi-Family buildings built specifically to accommodate student housing are permitted a maximum of 1 parking space per bedroom, plus an additional 125% for guest parking.
 - d. Uses within the IC district.
- D. **Off Site Parking:** Required parking may be provided off site if the following standards are met:
 1. Required parking may be provided in off-street parking facilities on another property within 254 feet of the site proposed for development, as measured along street rights-of-way. Parking further than 400 feet may be approved by the Administrator if it is in conjunction with a plan to provide access to the lot (e.g., shuttle service).
 2. In any transect-based district, required parking may not be located along a major thoroughfare without being screened from the street by buildings.
 3. Pedestrian access between the use or the site and the off-premise parking area shall be via a continuous sidewalk or walkway, not separated by a street.
 4. The owner shall provide a written parking agreement reflecting the arrangement with the other site.

5.76.5 PARKING EXCEPTIONS

- A. In the T5-DC District, all nonresidential uses, except for motels/hotels/extended stay guest accommodations, shall be exempt from the off-street parking requirements of this section. Where such uses elect to provide off-street parking, it shall meet the design requirements of this section.
- B. Any structure being reoccupied that is listed on the city's "Vacant and Abandoned Structures" list shall be exempt from these off-street parking requirements if on-site parking cannot be accommodated.
- C. In the Boundary Street Redevelopment District, see Section 2.7.3 E. for parking requirements.

5.76.6 SHARED PARKING AND PARKING REDUCTIONS

- A. **Shared Parking—Two Uses:** When 2 use types share common parking facilities, the minimum amount of required parking may be reduced. The minimum amount of required parking shall be calculated as the sum of the required parking for the 2 uses separately, divided by the factor listed in the table below.

SHARED PARKING FACTOR FOR TWO USES				
	Residential	Lodging	Office	Retail/Restaurant
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3

Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

EXAMPLE: A mixed-use building that typically requires 10 residential spots and 20 retail spots may be reduced as follows: $(10+20) / 1.2 = 25$ spots. This is a 5-spot reduction due to the shared parking factor.

- B. **Shared Parking—Three or More Uses:** When 3 or more use types share common parking facilities, or if a use type is not listed in Table 5.7.4.A, the amount of required parking may be reduced as appropriate in accordance with Section 5.7.6 C. below.
- C. **Parking Reductions:**
 - 1. The Administrator may grant a reduction in the parking requirements set forth in this section in the following cases:
 - a. Where uses in the same or adjoining development, having different peak hour demand, seek to share parking, the applicant must submit to the administrator an analysis and substantiated projections of peak parking demand — based on historic data from other locations or a similar use — for the entire development to justify the shared use of parking spaces for separate uses.
 - b. Where the special nature of a certain development (e.g., special types of housing projects inhabited by persons with low or no automobile ownership) does not require the amount of parking listed in Section 5.7.4.
 - c. Where fewer parking spaces are needed due to location and use — e.g., if there is a high concentration of residential units adjacent to a neighborhood-serving use, a parking reduction may be warranted.
 - 2. The Administrator shall consider the following in determining whether a reduction is warranted:
 - a. The likelihood that the reduced number of parking spaces can satisfy demand.
 - b. The amount of time during the year when the number of spaces provided may be insufficient and the amount of resulting parking overflow.
 - c. The impact of periodic overflows upon the public streets and other parking facilities.
 - d. The nature of surrounding land uses, character of surrounding road system, and nearby circulation pattern.
 - 3. In all cases, the burden to demonstrate that a reduction in parking requirements is warranted shall rest with the applicant.

5.76.7 PARKING LOT DESIGN

- A. **General Design Standards:**
 - 1. **Design:** Parking stalls shall be located in areas that will not require backing into access driveways or streets, except where allowed for residences, or when no other practical alternative exists, as determined by the administrator.
 - a. **Parking Stall Dimensions:** Off-street parking spaces shall be at least 9 feet wide by 18 feet long, exclusive of access or maneuvering spaces. Up to 20% of compact car spaces, a minimum of 8 feet wide by 15 feet deep, are permitted.

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- b. **Travel Lane Dimensions:** Travel lanes shall not exceed 24 feet wide for 2-way traffic, except in specific areas that may require additional room for truck access. A minimum of 20 feet clear between parking spaces shall be provided for 2-way traffic. One-way traffic may be permitted to have travel lanes width reduced to 16 feet if approved by the fire marshal.
 - 2. **No Storage:** Minimum parking areas shall be kept free of material storage, including portable containers, and outdoor display/sales, except on a temporary basis as part of an approved Temporary Use (see Section 3.13).
 - 3. **Maintenance:** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, and potholes.
 - 4. **Identified as to Purpose and Location:** Off-street parking areas with 4 or more spaces, and off-street loading areas, shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisle and other circulation features.
 - 5. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass, or other vegetative surfacing. Such parking lots shall delineate parking spaces with a wheel stop or vegetative buffer.
 - 6. **Front Yard Parking:** Where Section 7.2.3 (Lot Access Standards) permits driveways, they may be used for front yard parking areas, but the width of such front yard parking areas shall be limited to the driveway width specified in that section.
 - 7. **Shopping Cart Storage:** Up to 4 spaces for shopping cart storage may be provided. Any additional spaces shall count towards the maximum number of parking spaces, if applicable.
- B. **Pedestrian Corridors in Parking Lots:** Parking lots with 40 spaces or greater shall be designed to separate pedestrian travel from vehicles. They shall include designated pedestrian walkways to provide safe access to building entries for pedestrians.
- 1. Perimeter sidewalks — typically located on public rights-of-way— and/or interior parking lot pedestrian corridors may be utilized to provide the required pedestrian access.
 - 2. Pedestrian pathways (if provided) shall be a minimum 5 feet in width.
 - 3. Where parking is located between a public entrance and the fronting sidewalk, a pedestrian pathway shall be provided, following the shortest practical route across the parking lot between at least 1 such entrance on each side of the building facing a public street.
 - 4. Pedestrian pathways shall be clearly delineated. This may be accomplished with the use of paving materials that differ from that of vehicular areas, striping or other similar methods.
- C. **Connectivity:**
- 1. Wherever feasible, adjoining parking lots (except those serving residential buildings of less than 4 units) shall be interconnected, or designed to interconnect in the future.
 - 2. Where a parking lot connection is provided, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Beaufort County Register of Deeds.
 - 3. When parking lots are connected, one of more of the following incentives may be utilized, at the discretion of the applicant:
 - a. The side or rear setback adjacent to the connection may be reduced to 5 feet.
 - b. An additional 10% of parking spaces over the 140% maximum may be provided.
 - c. Impervious surface may be increased by 5%.

D. **Materials:**

1. Parking spaces and driveways shall be paved with a material that supports the anticipated load and context. Pervious or semi-pervious paving materials are encouraged. Where possible, such materials shall be used in combination with on-site stormwater control devices.
2. Parking provided above the minimum required parking spaces shall be with a pervious material.

E. **Accessible Parking:** All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA).

F. **Tandem Parking and Residential Driveways:** See Section 7.2.3 D.2.b.

5.67.8 PARKING LOT SCREENING AND LANDSCAPING

A. **Screening:** All parking areas shall be screened from the public right-of-way or primary vehicular access point(s) — if the parking area does not front a public right-of-way — with evergreen shrubs, walls, fences, or some combination thereof. Screening is not required at areas designated for signage, or pedestrian or vehicle access points. Screening devices shall be installed at the height and opacity specified in the table below:

LOCATION	MINIMUM REQUIRED OPACITY AT PLANTING ¹	SHRUBS		WALL/FENCE
		Installation Height ³	Projected Height within 4 Years	Installation Height ²
Beaufort Historic District Overlay	90%	3 ft	4 ft	4 ft
All Other Areas	50%	2 ft	4 ft	4 ft

¹ The area bounded by the shrub at its projected size in 3 years shall be deemed to be practically 100% opaque.

² Height is measured from adjacent sidewalk, street or curb grade, whichever is higher.

B. **Landscaping:**

1. **Applicability:** This applies in all Conventional Districts except LI, and all T4 and T5 districts where the parcel is greater than 2 acres. In T4 and T5 districts where the parcel is less than 2 acres, all parking requirements listed below are applied as “should” rather than “shall”.
2. **Priority:** In parking lot design, priority should be given to working around existing trees, and then secondarily creating areas where new plantings would be required.
3. **Landscaped Peninsulas and Medians Shall be Established as Follows:**
 - a. **Size:** Landscaped peninsulas with a plantable area of at least 12 feet wide by 18 feet long area shall be established parallel to parking spaces and at the end of the parking aisle in order to separate the last space from any adjacent driveways.

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- b. **Planting:** At least 1 broad-leaved overstory tree shall be provided within each landscaped peninsula. All landscaped peninsulas and medians shall be landscaped with mulch, sod, shrubs, or ground cover vegetation. See Appendix A for recommended plantings list.
 - c. **Specific to Transect Zones:** No more than 12 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula, except in the following circumstances:
 - i. The parking lot is gravel, or covered with other soft pervious pavement materials, and spaces are not striped, or
 - ii. There is a landscaped median meeting the requirements in 5.7.8.B.3.d.iii and iv.
 - d. **Specific to Conventional Zones:**
 - i. No more than 10 continuous parking spaces shall be permitted in a row without an interrupting landscaped peninsula.
 - ii. On the interior of parking lots, landscaped medians between all head-to-head^{'''} rows of parking are required.
 - iii. Where wheel stops are to be used for the protection of landscaped medians, the minimum median width shall be 6 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, and shrubs that have a mature height and spread of 4 feet or less.
 - iv. Where wheel stops are not used for the protection of landscaped medians the minimum median width shall be 9 feet. Plantings in such medians shall be limited to a combination of turfgrass or groundcover, palms, understory trees and/or shrubs which have a mature height and spread of 5 feet or less.
 - v. Shrub coverage in the medians and peninsulas shall be at least 50%.

5.76.9 STRUCTURED PARKING

See Section 4.5.11.

5.76.10 PARKING OF SPECIFIC VEHICLES

- A. **Parking, Storage or Use of Campers or Other Major Recreation Equipment:**
 - 1. No major recreational equipment shall be parked or stored in any T3 or T4 district in a manner which poses a nuisance, or constitutes a hazard. When parked in a permanent location, such equipment shall observe all setbacks, yard, and other requirements set forth within the districts in which they are located.
 - 2. Parking or storage of recreational equipment shall not be permitted in any district between the street and the building face. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored in any location not approved for such uses.
- B. **Vehicles Without License Plates:** Any vehicle or trailer of any kind requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings.
- C. **Commercial Vehicles:**
 - 1. Trucks, tractors, or tractor-trailers having a capacity of more than a 8,000 pound load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural and transportation

vehicles/equipment used primarily for business purposes, shall not be parked or stored on or adjacent to any parcel in a T3 or T4-HN district for purposes other than unloading, loading, or delivery services.

2. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved home occupation (1 per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this section.

5.78: LIGHTING

5.78.1 PURPOSE

The standards set forth in this section are designed to:

- A. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site;
- B. Prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists; and
- C. Provide security for people and land.

5.78.2 APPLICABILITY

The provisions of this article shall apply to all development with the following exemptions:

- A. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Code.
- B. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- C. Individual residential lighting that is not part of a site plan, street section, or outdoor lighting plan for any other common or public area, provided that it does not extend past the boundaries of that property. Security lighting on residential property must comply with Section 5.8.6.
- D. Lighting associated with landscape/holiday/festive/temporary uses.
- E. Lighting of public art that has been permitted or otherwise approved by the city.
- F. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
- G. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- H. Lighting of U.S. Flags, provided the flag standard does not exceed the maximum permitted building height for that district.

5.78.3 GENERAL STANDARDS FOR EXTERIOR LIGHTING

- A. **Hours of Illumination:** Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the RMX, T1, T3-E, T3-S, and T3-N Districts shall turn off all exterior lighting by 10:00 p.m. or within 1 hour of closing, whichever occurs first, with the following exception:

1. Lighting that is necessary for security or emergency purposes — meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas—may be turned on at all times. Additional standards for security lighting are in Section 5.8.6 (Security Lighting).
- B. **Illumination Direction:** In all districts, lighting shall be directed downward. In addition, upwardly directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting.

5.78.4 DESIGN STANDARDS FOR EXTERIOR LIGHTING

- A. **Maximum Lighting Height:** For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the light post, not including the fixture.
1. In pedestrian oriented areas, the height of the light post shall not exceed 15 feet above grade.
 2. In auto-centric areas, such as parking lots which support shopping centers, large retailers, or manufacturing sites, etc., the height of the light post shall not exceed 30 feet above grade.
 3. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.
 4. In historic districts, light poles exceeding 15 feet above grade must be approved by the Historic Review Board.
- B. **Shielding:** Light fixtures in excess of 1,800 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.
- C. **Maximum Illuminance Levels:** Requirements in the following table shall apply only to light trespass into parcels in T3 and T4 zoning districts at the property line.

TYPE OF USE	MAXIMUM ILLUMINANCE AT PROPERTY LINE
Agricultural, Residential, Day Care-Child or Adult, Community Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities	0.5 foot-candles
Retail, Recreation, Education, Public Assembly (except Community-Oriented Civic Facilities, School-Public or Private, Colleges and Universities, and Water-Oriented Facilities), and Services (except Day Care-Child or Adult)	2.5 foot-candles
Industrial and Transportation, Communications, Infrastructure	2.5 foot-candles
Vehicular Use Areas (Note: Minimum illuminance level at the edge of the vehicle use area shall be 0.2 foot-candles.)	2.5 foot-candles

5.87.5 RESERVED

5.87.6 SECURITY LIGHTING

- A. Motion-activated security lights, unshielded flood and spotlights with 45 watts or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
- B. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. Flood lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way.
- C. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- D. Landscape and decorative lighting using incandescent lighting of 40 watts or less is permitted, provided that the light is installed and aimed to prevent lighting build-up and light trespass and is shielded to prevent view from the public right-of-way.
- E. Area "dusk to dawn" open-bottom lights, with photosensors that automatically turn the light on and off at certain levels of ambient illumination, are permitted. These lights must be full cutoff.

5.78.7 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

- A. **Glare Control Package:** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- B. **Hours of Illumination:** The hours of operation for the lighting system for any game or event shall not continue more than 1 hour after the end of the game or event.

5.78.8 PROHIBITED LIGHTING TYPES

- A. **Laser Source Light:** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
- B. **Searchlights:** The operation of searchlights for advertising purposes is prohibited.
- C. **Flashing Lights:** With the exception of motion-activated security lighting, lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
- D. **Awning and Canopy Back-Lighting:** Awnings and canopies used for building accents over doors, windows, etc. shall not be uplit. Lighting that illuminates the sidewalk, or downlights onto the architectural features of a building, may be installed under canopies.

5.8 Fencing

The purpose and intent of this section is to establish minimum standards to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and zoning districts throughout the City, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

A. Applicability

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This section applies to the **construction**, substantial reconstruction, or replacement of fences or walls not required for support of a principal or **accessory structure**, and to any other linear barrier intended to delineate different portions of a **lot**, within the City. Temporary fences for **construction sites**, sand fencing in beachfront areas, and **tree** protection fencing are exempt from the standards and requirements of this section.

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B. Height

Fences and walls shall be subject to the following **height** limits:

1. Front or Street Side Setback: Four feet in height, with the following exceptions:

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d. On T3 lots that front Ribaut Road, fences may be permitted to be 7 feet in height on the condition that such fences are set back from the front property line 1 foot for every 1 foot increase in height above 4 feet.

e. In the LI District, parcels fronting Primary Streets may have fences or walls up to 6 feet in height. Parcels fronting all other streets may be up to 10 feet in height.

f. Electric fences are not permitted to encroach into any front or street side setbacks.

2. Interior Side or Rear Setback (if side yard is not facing a street or a double frontage lot)

a. Transect-Based District: 6 feet in height if not facing a street,

b. Interior Side or Rear Setback of a Conventional District: 8 feet in height.

c. Interior Side or Rear Setback of LI District: 10 feet in height.

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3. Historic District: All fences shall be 4' in height or less along all setbacks.

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C. Materials:

1. The support structures for fences, such as posts, shall be located on the inside of the fence.

2. The **gates**, posts, columns, and associated details of entry **gates** are allowed within the required setbacks along **streets** if they do not exceed six feet in **height** and are approved by the Codes Administrator in accordance with the requirements of this **Ordinance**.

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3. All fences in the historic district shall be picket, cast iron, or wire fencing with vegetation.

4. No electric fences shall be permitted on residential lots.

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D. Appearance:

Fences and walls visible from a **street right-of-way** shall be composed of a design, materials, and colors that are compatible with those of **buildings** and other elements of **development** on the site.

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