



**Landscaping, Buffering and Tree
Preservation**

**Article
XI**

Fort Mill Unified Development Ordinance

Section 11.1 Intent

It is the intent of this article to require landscaping and screening to buffer the negative impacts between incompatible land uses; to minimize the adverse effects of certain outdoor activities upon their surroundings; and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the Town of Fort Mill. The requirements of this article shall be applied in addition to other requirements of this Unified Development Ordinance and the Fort Mill Code of Ordinances. Where a conflict exists, the more restrictive provision shall apply.

Section 11.2 Buffer Zones

Buffer zones shall be required to separate dissimilar zoning districts and/or incompatible uses from one another in order to minimize the potential negative effects of more intensive uses upon less intensive uses. The buffer also provides for a more gradual transition from one use to another. The extent of the buffer zone shall be proportionate to the nature of the zoning districts adjacent to one another and the potential uses that may be juxtaposed.

- A. **Requirements.** Buffer zones shall be required along the property line between adjoining lands in different zoning districts, as specified in Table 11-2 and in accordance with the following:
 1. Buffer zone requirements shall not apply where adjacent zoning districts are separated by a street. In such case, the greenbelt requirements of this article shall apply.
 2. A buffer zone shall be required, even where the adjacent property is undeveloped.
 3. Prior to changing the use of a property to a more intense land use, or when a property is rezoned to a more intense district, a buffer zone meeting the applicable requirements of this section shall be installed.
 4. If existing natural conditions are such that a parcel cannot reasonably accommodate the required buffer zone, the administrator shall determine the character of the buffer based on the following criteria:
 - a. Physical characteristics of the site and surrounding area such as topography, vegetation, water features, etc.;
 - b. Views and noise levels;
 - c. Proximity or potential proximity to residential uses;
 - d. Building and parking lot placement; and
 - e. Location of outdoor storage, display or sales areas.

Zoning District	Required Buffer						
	R-25, R-10, R-5	RT-8, RT-12	NMU	CMU, TOMU	LC, DC	GC	LI
R-25, R-10, R-5							
RT-8, RT-12	C						
NMU	C	C					
CMU, TOMU	B	C	C				
LC, DC	C	C	C				
GC	B	B	B	C	C		
LI	A	A	A	A	A	B	

B. Buffer Zone Standards. Required buffer zones shall meet the following standards:

Table 11-2a, Buffer Zone Specifications			
Requirements	Buffer Zones		
	A	B	C
Minimum width (ft.)	50	30	20
Canopy trees ¹	3	3	2
Ornamental trees ¹	4	2	2
Evergreen trees ¹	5	3	2
Shrubs ¹	10	6	4

¹ Number required per 100 linear feet of buffer zone, as measured along the property line.

Insert buffer zone graphics

Insert buffer zone graphics

Insert buffer zone graphics

1. If a berm, screen wall or fence, meeting the standards of this article, is used for all or significant part of the buffer zone, the planning commission may reduce the required quantities of plant material by up to 75 percent where it is determined that the purpose of the buffer will still be achieved.
2. All areas of the buffer zone outside of planting beds shall be planted with grass or other living ground cover or preserved in a natural wooded state.
3. Landscape materials shall conform to all applicable standards **Section 11.6**.
4. Stormwater detention/retention areas may be located within a required buffer zone; provided, they do not reduce the screening effect.

Section 11.3 Screening

A. Requirements.

1. Screening shall be required as follows, except as may be provided elsewhere in this section.
 - a. Around all trash dumpsters in all districts.
 - b. Around designated outdoor storage areas in all commercial, mixed use and industrial districts.
 - c. Around any loading/unloading area or hospital emergency area visible from an adjoining street or parking area.
 - d. Around heating and cooling units for all non-residential uses.
 - e. Around detention ponds and other related storm water management facilities that are not integrated into the landscape design as site amenities
2. Screening shall be required even if the surrounding area or adjacent parcels are unimproved.
3. When any developed parcel is altered to the extent that any of the facilities or features in **Section 11.3 A.1**, are added or expanded, screening shall be required.

4. If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the administrator shall determine the character of the screen based on the following criteria:
 - a. proximity or potential proximity of residential uses;
 - b. sight lines from parking areas, adjacent properties or roadways;
 - c. noise levels generated by the facility to be screened; and
 - d. physical characteristics of the site and surrounding area such as topography and vegetation that may mitigate the need for screening.

B. Screening Standards.

1. Unless otherwise permitted by this section, a required screen shall be comprised of a solid, sight-obscuring fence or wall meeting the following minimum specifications:
 - a. Six (6) feet high;
 - b. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use. This full enclosure requirement, however, shall not apply to screening of loading/unloading areas; and
 - c. Constructed of masonry, treated wood or other approved material determined to be durable, weather resistant, rust proof and easily maintained. Chain link and barbed wire shall not be permitted.
2. If approved, the required screen may be comprised of berms or plant material, in combination with or as a substitute for a fence or wall when it is determined that the alternate solution will provide the same degree, or better, of opacity and screening required by this section.

Section 11.4 Greenbelts

A. Requirements. Greenbelts shall be required in the following situations, except as may be provided elsewhere in this article:

1. Within any required yard abutting a public right-of-way, except for single and two-family dwellings on individual lots and any use within the Downtown Core District.
2. Around the perimeter of any nonresidential parking lot within 100 feet of a residential district; provided if the parking lot abuts a required buffer zone, a greenbelt shall not be required.

B. Greenbelt Standards.

1. Except for necessary driveways, frontage roads, service drives or walkways, a required greenbelt within a yard abutting a public road shall extend the full length of the lot line.
2. At a minimum, a required greenbelt along a road shall be landscaped in accordance with the following:
 - a. One (1) canopy tree and two (2) evergreen trees per greenbelt, plus one (1) additional canopy or ornamental tree and one (1) evergreen tree for each 75 feet, or fraction thereof, of road frontage; and
 - b. Six (1) shrubs per each 50 feet, or fraction thereof, of road frontage.
3. A required greenbelt along the edge of a parking lot shall be landscaped in accordance with the following:
 - a. On any side not facing a public road, one (1) canopy tree, two (2) ornamental trees and one (1) evergreen tree per 50 feet, or fraction thereof, of parking lot length for which the greenbelt is required.
 - b. On any side that faces a public road, a three (3) foot high continuous, sight-obscuring screen, comprised of plant material, berms, masonry wall or any combination of these elements shall be provided, in addition to the greenbelt required by [Section 11.4 B.2](#).

4. The minimum depth of the greenbelt shall correspond to the minimum building or parking setback requirement for the district, whichever is less, but shall not be less than 10 feet.
5. Landscaping shall be located so it does not obstruct the vision of drivers entering or exiting a site and shall also meet the provisions of **Section **** pertaining to clear vision triangles.**
6. The required greenbelt landscaping, except for the sight-obscuring parking lot screen, need not be evenly spaced. Clustering of trees and planting beds is encouraged to provide a more aesthetic and natural appearance; provided, the purposes of this article are achieved.
7. If berms are incorporated into the greenbelt, the planning commission may reduce the required quantities of plant material by up to one-third (1/3) where it is determined that the purpose of the greenbelt will still be achieved.
8. Stormwater detention/retention areas may be located within a required greenbelt; provided, they do not reduce the screening effect or jeopardize the survival of plant material.

Insert greenbelt graphics (frontage and parking area)

Section 11.5 Parking Lot Landscaping

- A. **Requirements.** In addition to the greenbelt requirements of this article, the interior of all parking areas containing more than 10 parking spaces shall, at a minimum, contain interior landscaped islands as follows:
 1. A landscaped island shall be located at both ends of each row of parking spaces.
 2. Landscaped islands shall be located within the interior of the parking lot to separate every 15 contiguous parking spaces.
- B. **Standards.**
 1. The number of trees required within the interior of the parking lot shall be no less than the equivalent of one (1) tree for every 10 parking spaces.
 2. Islands within rows of parking spaces shall be at least nine (9) feet wide and 20 feet long. Islands at the end of parking rows shall be no less than 180 square feet.
 3. Trees shall be planted at least three (3) feet from the edge of the island.
 4. All landscaped islands shall be raised or bordered by suitable curb of stone or concrete to protect the landscaping. Fire hydrants, if located within a parking area, shall be located within the landscaped islands.
 5. Each island shall be planted with grass or natural ground cover. Stones, lava rock, wood chips or other such accent material shall not be used.

Insert parking island graphic

Section 11.6 General Requirements

All required buffers, screens and greenbelts shall comply with the following requirements, in addition to all other applicable requirements of this article:

A. Minimum Plant Material Standards.

1. All plant materials shall be hardy to York County and free of disease and insects.
2. Landscaped areas shall be maintained in a neat, healthy and orderly condition following accepted horticultural practices. Withered, dying and/or dead plants and trees shall be replaced within a reasonable period of time, but not longer than one (1) growing season.
3. Artificial plant material shall not be used within any required landscaped area. This shall not preclude the use of stone, shredded bark, wood chips, lava rock or similar accent materials within planting beds, except within parking lot islands.
4. All plant material shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
5. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
6. Existing plant material which complies with the standards and intent of this ordinance and the provisions of this article may be credited toward meeting the landscape requirements.
7. The overall landscape plan shall not contain more than 33 percent of any one plant species.
8. Plant material shall not be placed closer than four (4) feet to any fence or property line.
9. Where trees are placed in two (2) or more rows, planting shall be staggered in rows.
10. Landscaping shall be installed prior to issuance of a certificate of occupancy, unless the owner demonstrates that unforeseen circumstances beyond his/her control prevented the installation. In such case, the administrator may issue a certificate of occupancy; provided, a financial guarantee is posted in accordance with **Section ***** and a specific time limit, not to exceed 120 days, is established for completing the landscaping.
11. Minimum plant sizes at time of planting shall conform to the standards in Table 11-6.
12. Healthy and viable existing trees within a proposed greenbelt shall be preserved unless their removal is shown, to the satisfaction of the planning commission, to be infeasible due to existing site characteristics, necessary grading, location of future site improvements or other similar conditions that make their preservation unreasonable. Financial hardship or development expediency shall not be considered valid rationale for such tree removal.
13. Landscaping shall be provided adjacent to all buildings in order to provide shade, minimize energy demand, screen mechanical equipment and enhance the general appearance of the building and property.

Tree Type	Minimum Size ¹
Deciduous canopy tree	2 inch caliper
Deciduous ornamental tree	2 inch caliper
Evergreen tree	6 feet in height
Deciduous shrub	24 inches in height
Upright evergreen shrub	24 inches in height
Spreading evergreen shrub	24 inch spread

¹ Larger sizes may be required by the planning commission, if determined to be necessary to maintain a natural appearance and achieve the intended purpose of the buffer, greenbelt or screen based on the size of the development, its location and/or the character of the surrounding area,.

B. Minimum Standards for Berms.

1. Where a berm is used to meet the requirements of this article, it shall have a minimum height of three (3) feet and maximum height of five (5) feet above grade. The crest shall gently curve with a level crown at least two (2) feet wide.
2. Berms shall be designed to vary in height and shape to create a more natural appearance. An unbroken earth mound of uniform height shall not be permitted.
3. Berms shall be designed and planted to have a natural and informal appearance; provided, the planning commission may approve a more formal design where conditions warrant it.
4. If berms are used as part of a required buffer zone, required plant material shall be placed on the top and side slope facing the adjoining property.
5. Where possible, berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio. When topography or other site conditions prevent construction of berms at this ratio, the planning commission may permit retaining walls or terracing. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
6. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
7. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

C. Minimum Standards for Screen Walls and Fences.

1. All walls and fences required for screening shall be constructed with new, durable, weather resistant, and easily maintainable materials. Chain link and barbed wire fences are not permitted to serve as screen fencing.
2. Unless otherwise prohibited, the wall or fence may be constructed with openings that do not exceed 20 percent of the wall or fence surface. These openings shall not reduce the intended obscuring effect of the wall or fence.
3. Screen walls or fences shall not be constructed in a way that alters drainage on site or adjacent properties, or obstructs vision for safety or ingress/egress.
4. Required plant material shall be installed on the exterior side of the wall or fence.
5. When a screen wall or fence has both a finished side and an unfinished side, the finished side shall face the adjoining property or, if on the interior of the site, shall face outward toward the perimeter of the site.

Section 11.7 Tree Preservation

- A. **Requirements.** These regulations shall apply to all trees and land in Fort Mill, except as noted below; provided, that even for those exempted, tree preservation and best practices are strongly encouraged to uphold the intent of this ordinance.
1. **Exemptions.** The parties listed below are exempt from this section to the extent specified.
 - a. **Timber harvesters and foresters:** Timber harvesting and forestry shall be exempt from this section; provided, the requirements of South Carolina Code Subsection 48-23-205(B) are met. However, harvesting trees less than one (1) year prior to installation of artificial improvements or other development activities shall be a violation of this ordinance.
 - b. **Commercial tree farms and nurseries:** Growers raising trees for sale and transplant shall not be held to the provisions of this article; provided, such trees are not planted in protected wetlands or required buffer zones after the adoption of this ordinance.
 - c. **Public utilities:** Utility providers shall be exempt from these regulations within easements and rights-of-way in which clearing is necessary for the public safety and welfare. These regulations, however, shall apply within any required buffer zone.
 - d. **Occupied single-family dwelling:** A developed single-family residential lot shall be exempt from the heritage tree protection requirements, but not those pertaining to historic trees: provided, the lot is occupied by one (1) single-family dwelling or one (1) manufactured home with a Certificate of Occupancy for at least two (2) years. This provision shall not exempt individual lots or parcels being prepared for development.
 2. **Applicability.** All trees not specifically exempted shall be regulated by the provisions of this ordinance. Tree classifications are defined in *Section 11.7.B*. Conditions under which protected trees may be removed by permit are specified below.
 3. **Maintenance or Removal.** Nothing in this section shall be construed to prevent the ordinary pruning, trimming, and maintenance of a tree, nor to prevent the cutting or removal of any tree that is diseased, dying or required to be removed by governmental agency for public safety.
- B. **Protected Tree Classifications.** These regulations shall apply to two (2) categories of trees: heritage trees and historic trees. Heritage trees and historic trees shall be collectively known as protected trees.
1. **Heritage Tree.** All trees meeting a minimum of six (6) inches diameter at breast height (dbh) up to 24 inches dbh.
 2. **Historic Tree.** A historic tree, due to its age and stature, is considered to have irreplaceable value and is defined as any tree 24 inches in dbh or greater.
- C. **Tree Preservation Standards.** All protected trees must be identified on the required tree survey/tree location map according to the provisions of these regulations. Protected trees, unless otherwise permitted by these regulations, shall not be removed or be caused to be removed during development of the site. Approval to remove such trees shall be obtained from the administrator. If approval to remove protected trees is given, the removed trees shall be replaced according to the [Section 11.7\(G\)](#). Individuals failing to obtain a tree removal permit shall be cited as provided in this section.
- D. **Tree Removal Permit.** Except as otherwise exempt, it shall be unlawful to fell, improperly prune, or otherwise destroy a protected tree without first obtaining a tree removal permit from the administrator.
1. **Exception.** A tree removal permit shall not be necessary to remove a tree creating imminent danger to other trees, permanent structures, public utilities, rights-of-way or persons. A tree posing imminent danger shall be defined as one damaged by a storm, fire, or vehicular accident such that its structural integrity is seriously compromised and that the tree can be reasonably expected to fall and injure persons or structures within three (3) days.
 2. **Application Procedure.**

- a. Application for permits must be made at least three (3) business days in advance of the proposed tree removal. The administrator shall issue the permit, valid for six (6) months, if the request meets the criteria for tree removal, as specified in **Section *****.
 - b. The applicant may apply for a tree removal permit concurrently with a land disturbance permit, subdivision plan submittal, or zoning permit.
 - c. A tree survey, meeting the requirements of this section, shall be submitted in conjunction with a development plan, as provided in **Section *****, or a plat, as provided in **Section *****. The tree survey shall depict the location, species, and size in dbh of all protected trees in the development area and differentiate them as to whether they are heritage or historic trees. The development area shall be defined as all areas within 50 feet of any proposed grading, temporary and permanent structures, and other improvements; and as wetlands proposed to be disturbed. The survey shall specify which trees are proposed for removal.
 - i. For developments disturbing more than 25 acres, this tree survey requirement may be satisfied by a “sample area” survey. Each sample shall cover at least one (1) acre. Sample areas shall be evenly distributed throughout the site and proportional to the acreage of types of forest found on the site. Sample areas shall represent at least five (5) percent of the site or five (5) acres, whichever is greater. The surveyor shall estimate the relative densities and total number of heritage trees across the site based on the distribution of these trees in the samples. Historic trees shall nevertheless be individually surveyed and documented by location, species, and size in dbh. Upon reviewing the sample survey, the planning commission may require that inventories be taken of additional sample sites of their choosing.
 - ii. For development plans disturbing 25 or fewer acres, both heritage and historic trees shall be individually surveyed.
 - d. Trees to be removed will be physically marked with brightly colored engineer’s tape. The property may first be inspected by the administrator before approval is granted. The tape on those trees approved for removal shall be left in place. Any tape errantly placed on trees not to be preserved will be removed by the administrator. Following inspection by the administrator, the tree removal permit will be approved, partially approved, or disapproved.
 - e. If the permit is approved or partially approved, the applicant shall post a financial guarantee, as provided in **Section *****, prior to commencing any tree removal activities to ensure preservation of those trees not authorized for removal.
 - f. It shall be the responsibility of the applicant to post the tree removal permit on the property in a place that is visible from the public right-of-way throughout any tree removal activity.
3. **General Criteria.** The following criteria, when attested to by a registered forester or certified, qualified arborist who holds a business license, shall constitute grounds for issuance of a tree removal permit regardless of use or zone:
- a. Trees potentially hazardous to surrounding trees, permanent structures, public utilities, rights-of-way, or persons due to a loss of stability caused by high wind, unstable soil, age, or other natural forces.
 - b. Diseased and/or infectious trees and trees in decline.
 - c. Trees or their root systems causing visible damage to permanent structures that cannot be prevented through proper pruning.
 - d. Trees or their root systems causing damage to utility lines that cannot be prevented through proper pruning.
 - e. Trees inhibiting access through a public right-of-way such that proper pruning cannot mitigate the condition.
 - f. Trees creating hazardous conditions on pedestrian walkways underneath such trees due to excessive debris of a size and shape known to cause injuries from tripping and falling, as determined by the administrator.

4. **Criteria for Property Development.** The following criteria shall be followed with respect to the applicable property development:
 - a. *Subdivision of parcel:* The subdivider shall make conscious efforts to avoid historic trees and groupings of heritage trees in proposing placement of rights-of-way and easements. Additionally, lots shall not be platted in a way that avoids removal of historic trees or groupings of heritage trees such as locating them in the middle of proposed lots. Lot lines should be platted adjacent to protected trees to retain them as design features and vegetative buffers and to mitigate storm water run-off and erosion problems.
 - b. *Building envelopes:* Historic trees within proposed building envelopes shall be mitigated, in accordance with **Section 11.7(G)**. Heritage trees within proposed building envelopes, as well as those within 20 feet of the envelope, may be removed when necessary without mitigation.
 - c. *Yards and buffers:* Protected trees shall not be removed from required yards or buffer zones. A protected tree may be limbed up if located outside a required buffer, or if located within a required visual buffer or clearance zone. Heritage trees may be limbed up to eight (8) feet, while historic trees may be limbed up to 16 feet to provide view sheds.
 - d. *Means of access and parking:* Historic trees shall not be removed to make way for parking lots, parking space, drive aisles, or driveways, unless the applicant demonstrates to the satisfaction of the planning commission that no reasonable alternative exists. Heritage trees may be removed in these locations, but mitigation shall be required per **Section 11.7(G)**.
 - e. *Outdoor uses and active recreation areas.* Protected trees may be removed on land where the principal use is proposed outside; provided, mitigation shall be required per **Section 11.7(G)**. The administrator shall determine whether the proposed outdoor use qualifies under this provision and that the protected tree removal is the minimum necessary to accommodate the proposed use. Qualifying uses shall include, but are not limited to: outdoor sales areas with minimal ancillary indoor space, transportation and construction businesses that store fleet vehicles on site, outdoor storage of oversized bulk items that cannot practically be stored under roof, industrial activities and processes that do not occur under roof, as well as recreation areas, such as golf courses, athletic fields, courts, and pools managed by schools, public recreation departments, country clubs, home owners associations and other legally established organizations.
 - f. *Streets:* Protected trees may be removed without mitigation from rights-of-way to allow for arterial and collector street construction, including widening, intersection improvements, parallel bicycle/pedestrian improvements, and drainage improvements. Historic trees removed for construction of local street projects shall be mitigated per **Section 11.7(G)**, while heritage trees may be removed from local street rights-of-way without mitigation.
 - g. *Water, sewer, and drainage improvements:* Protected trees may be removed, but must be mitigated per **Section 11.7(G)**, for installation of water, sewer, and drainage infrastructure and implementation of associated easements.
- E. **Tree Protection Procedures.** The base and root system of most trees are very sensitive to changes and must be protected to ensure the tree's health and survival. The following measures shall also be taken to protect trees located off-site, but whose limbs and drip lines encroach across property boundaries.
 1. Protected trees shall be guarded before, during, and after construction against the following:
 - a. Unnecessary cutting, breaking, or skinning of roots
 - b. Skinning and bruising of bark
 - c. Storing or stockpiling construction, excavation, or other machinery, tools, materials, and debris within drip lines
 - d. Burning within drip lines
 - e. Absorption of wastewater run-off within drip lines
 - f. Excessive foot or vehicular traffic within drip lines

G. Mitigation for Tree Removal; Fee in Lieu

1. Trees planted for mitigation shall meet performance standards per this article. Mitigation for protected trees shall be scheduled as follows:
 - a. Mitigation for heritage trees shall occur at a rate of 50 percent, where every two (2) inches of heritage trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
 - b. Mitigation for historic trees shall occur at a rate of 100 percent, where every inch of historic trees removed, measured in dbh, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
 - c. Any tree planted for mitigation shall measure at least four (4) inches in dbh, at the time of planting.
2. Any tree at least six (6) inches dbh but less than 12 inches dbh retained within the area of disturbance may be retained to contribute, inch for inch, to a tree mitigation requirement; provided, the tree does not stand in a wetland, any required buffer, or other area in which the tree would otherwise be required to be conserved. Such trees shall be protected as heritage trees.
3. In lieu of planting trees required for mitigation, the developer may, if approved by the planning commission, pay a fee per caliper-inch in an amount set by the Fort Mill town council. The fee shall be based on the current cost, at wholesale value, of installing a required tree to standards of the American Nursery and Landscape Association and its maintenance for one (1) year.
4. Fees in lieu shall be put into an account reserved solely for the beautification of public lands and rights-of-way in Fort Mill.