PENDLETON
SOUTH CAROLINA
History, Hospitality & Happenings!

Town of Pendleton
Planning Commission
Regular Meeting
August 13, 2026
Pendleton Town Hall, 6 pm

AGENDA:

1. **Call to Order:**

2. **Approval of prior meeting minutes:** Approval of the meeting minutes from July 16, 2026.

3. **Public Comments**.

4. **Public Hearings:**
   a. Hold a Public Hearing to gather information before making a recommendation to Pendleton Town Council to rezone property located at the corner of Cherry Street and South Broad Street, having TMS#40-10-01-015 from R1(Low-Density Residential) to R2(Low-Density Residential).

5. **New Business:**
   a. **Action Item:** The consideration of making a recommendation to Pendleton Town Council to rezone property located at the corner of Cherry Street and South Broad Street, having TMS#40-10-01-015 from R1(Low-Density Residential) to R2(Low-Density Residential).

6. **Work Session**
   a. **Work Session:** Work Session to discuss items from Resolution 03-2026. (No motions will be made.)

7. **Adjournment:**

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Town of Pendleton
Planning Commission
Regular Meeting
July 16, 2026
Pendleton Town Hall, 6 pm

MINUTES:

1. **Call to Order:** The meeting was called to order by Chairman Holland at 6 pm.

2. **Approval of prior meeting minutes:** Approval of the Minutes from May 14th and June 11th, 2026.
   - Staff was directed to fix several spelling and grammar errors from both meetings.
   - Motion to approve the minutes as amended by Richard Baldwin, seconded by Steve Moloney. The motion was approved unanimously.

3. **Public Comments**.
   - Alex Symborksi, 1200 Cherry Street Extension, speaking for his wife, Linda Symborksi
     - See the attached statement. Read aloud by Mr. Symborksi.
   - Alex Symborksi, 1200 Cherry Street Extension
     - See the attached statement. Read aloud by Mr. Symborksi.

4. **Work Session:** Work Session to discuss items from Resolution 03-2026. No motions were made.
   - **a.** Chairman Holland asked Ms. Vance to introduce the work session on items from resolution 03-2026.
     - i. Ms. Vance went through the resolution to match the current zoning ordinance sections.
     - ii. Staff will need to confirm if this is one total ordinance with the zoning amendments, or a separate ordinance for each section individually.
     - iii. Item A- adding Anderson County Stream/ Riparian buffers. Ms. Vance explained what the Larger Common Plan means for development.
       1. Chairman Holland stated this will help with larger properties located off Waters of the State (WoS), and any future annexations that are located on WoS as well.

iv. Item B- Historic Overlay District- Will work on the discussion of the map first in a future meeting.

v. Item C- Public Tree Ordinance, Section 6-2 in the current ordinance.
    1. This is the ordinance from the UDO draft.
    2. Mr. Baldwin stated it needed to be changed from City to Town because Pendleton is not a city.
    3. Add Tree Maintenance definition.
    4. Greenville city's tree ordinance was read out, and decided that it would be a good inspiration for amending the size requirements
        a. 24-inch dbh or greater in a buffer zone or 40 inches or greater anywhere else on the property.
        b. The commission stated this sounded more reasonable and like the language of the City of Greenville's document.
    5. Some Pinus trees, such as eastern white, longleaf, and loblolly pines, should be protected as heritage trees.
    6. Change wording to refer to the South Carolina invasive species list developed by Clemson University instead of the zoning administrator.
    7. Canopy Tree, Canopy Tree, Overstory Tree, Historic Tree-Create a definition for these terms.
    8. Amend 2-2 definitions of the zoning ordinance to add definitions for the tree ordinance.
    9. Town Council will need to amend the fee schedule to include information for the tree ordinance.
    10. Change the table to 1 for tree replacement.
    11. Developments have an 8inch requirement for them to mitigate at 100 percent. For homeowners, anything over 24 inches must be mitigated at 100 percent.
    12. Change the table to match the current zoning districts.
    13. The tree ordinance will be reworked with the suggestions made by the planning commission, and they will receive a new draft of it.

vi. Sidewalks Requirements and Connectivity
    1. Add sidewalk requirements for both sides of the road for new development.

vii. Generalized Design Standards
    1. A merger of the Town's current design standards and the Village Hills overlay.
    2. It will need to have an applicability section.
    3. Large parking lots need to be defined somewhere.
    4. Add size and type of tree appropriate for the space

5. Add architectural character/elements must be similar in design to other buildings on the property/ similar materials, color/ façade.

viii. Lighting

1. The lighting measurement needs to be in lumens.
2. Fix the missing statement in the efficiency section.

5. Adjournment:

The meeting was adjourned by Chairman Holland at 8:12 pm.

Chairman: _____ Date:_____

I would like to present some data presented in the 2026 Anderson County Comprehensive Plan and some statistics from the US Censes.

We have all heard that the population in South Carolinas is the fastest growing in the nation.

Anderson County's median age has changed significantly in the past 20 years.
In 1990, it was 35.1
In 2020, it increased to 40.5
Additionally of note, Anderson County's median age group is higher than both the state of South Carolina at the Nation.

Anderson County's population for the 45 and older age group shows
In 1990 was 35%
In 2022, it increased to 44.9%.

A significant statistic to note is the 60 year old or older population.
In 2010, that group was 20.6% of our population and
In 2022, it increased to 26.1%
Again, this population growth is higher than the rest of the State of South Carolina or the Nation

The 2026 Anderson County Comprehensive Plan also shows that our central challenge over the next 20 years will be accommodating an aging population. Anderson County's aging population can be attributed to several factors but, primarily the county's popularity as a retirement destination... AARP has named Anderson County as one of the best places to live and retire.

This certainly will include the need for accessible single-story homes, smaller units with lower maintenance needs, proximity to transit, health care, and daily amenities, all within a quiet and safe environment.

It seems that the Town of Pendleton already accommodates these needs. There is a significant opportunity now, in a new market, for independent living and senior lifestyle housing in the Town of Pendleton. We would be remiss if we passed up a great opportunity, by overlooking this age group.



Outlook

PPC meeting July 16, 2026

[redacted]

Date Thu 7/16/2026 6:01 PM

[redacted]

CPG Lawsuit
1 Mediation outcome ? Don't know.
2 Court case is closed, off the docket, clerk wouldn't accept my petition to join.
3 The Mayor says decision will go to the Town Council for approval.
4 There will be a public hearing. I think.
5 Rumor is density is reduced a little, but CPG gets commercial instead of senior living.
6 Town had little to work with since it never gave CPG any reasons for denial.
7 So the Planning Commission had both of their votes reversed.
8 The "Lost" Original zoning documents were located before the court case settled.
9 Don't know what happened after that.
10 State code says a rehearing can occur if the Town and CPG had a mutual mistaken understanding of facts. - - Google it

I am, and you should be. angry that we got short changed.- -
The original valid zoning of Ordinance 10-02. had:
A) 14.4 acres of comprehensive senior living including a 60 bed full nursing care home,
B) And a 20 unit apartment style senior assisted living facility with 24 hour staff
C) And 25 cottage units with arrangements and structure provisions for handicapped INDEPENDENT living
D) Full electronic connectivity to request immediate emergency assistance.
E) Probably optional meal service by request.
F) Commitment to build the living / healthcare first..
G 19 separate documents, signatures as expected, confirm Ordinance and site plan.
H) There are 13 engineering size drawings with a) building layout, b) density quoted at 2.0 and 6.25 units per acre, c) commitment for single level structures, d) dual ingress egress, e) utility, water and sewer plans, f) 40 foot buffers, g) commitment for tree preservation, h) landscaping and parking layouts, i) housing styles and floor plans, j) an extra wide 24 foot roadway, and k) a scaled fire engine navigation layout, These supporting meeting notes show that Apex Homes had already contacted a prospective health facility management company and had changed their site plan in response to that firm's recommendation.

CPG does not have the qualifications to pursue such a senior living aspect and should have been removed from consideration when their first request for major change was denied.

I remember citizens and commission members asking for independent living but the Town Planner had other information.

I also recall Chuck McKuen inquiring about rezoning. If true zoning requirements had been known, would CPG have initially proposed a rezoning?.

I recall Jill Gemill's question and being told the issues raised by the Symborskis were not for current discussion.

Perhaps we might have found zoning documents if we had looked in the 2010 era records instead of the 2005 era records

The appearance is troubling. The effective lowering of zoning requirements is reminiscent of the Pendleton Station fiascoes of groundbreaking before legal annexation and the later multi multi bedroom floor plans purportedly for large single family use. So we've found legitimate zoning but no one says it matters, I guess that's in keeping with Pendleton and its Pendleton Station Tradition .

alex

Alex P Symborski (PE Em)

The Heritage

[redacted]

[redacted]

THE WILL TO DO, THE SOUL TO DARE [1] SO SELDOM NOW FOUND ANYWHERE [2]

1) Sir Walter Scott 2) some other guy

PENDLETON
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Staff Report to the Town of Pendleton Planning Commission for a recommendation to Town Council to rezone property located at the corner of Cherry Street and South Broad Street, having TMS# 40-10-01-015, from R1(Low-Density Residential District) to R2(Low-Density Residential District).

Date of Report: August 6th, 2026

Report By: Owen Rines, Interim Town Planner & Code Enforcement

Applicant: DRR Properties, Inc

Request: Hold a public hearing to gather information before making a recommendation to the Pendleton Town Council to rezone this parcel from R1(Low-Density Residential) to R2(Low-Density Residential)

Property Location: Corner of Cherry and South Broad Street. TMS # 40-10-01-015. See attached map.

Existing Zoning: R1(Low-Density Residential)

Requested Zoning: R2(Low-Density Residential)

Surronding Zoning & Land Use :

West: R2 (Low-Density Residential)
Land Use: Single Family Homes
East: NC (Neighborhood Commercial)
Land Use: Commercial
South: R2 &R1 (Low-Density Residential)
Land Use: Single Family Homes
North: R2, NC, & CB(Low-Density Residential, Neighbrohood Commercial, and Central-Business District)
Land Use: Single Family Homes & Commercial

Future Land Use Map: Residential

Existing Conditions: The property is vacant without any structures or active uses

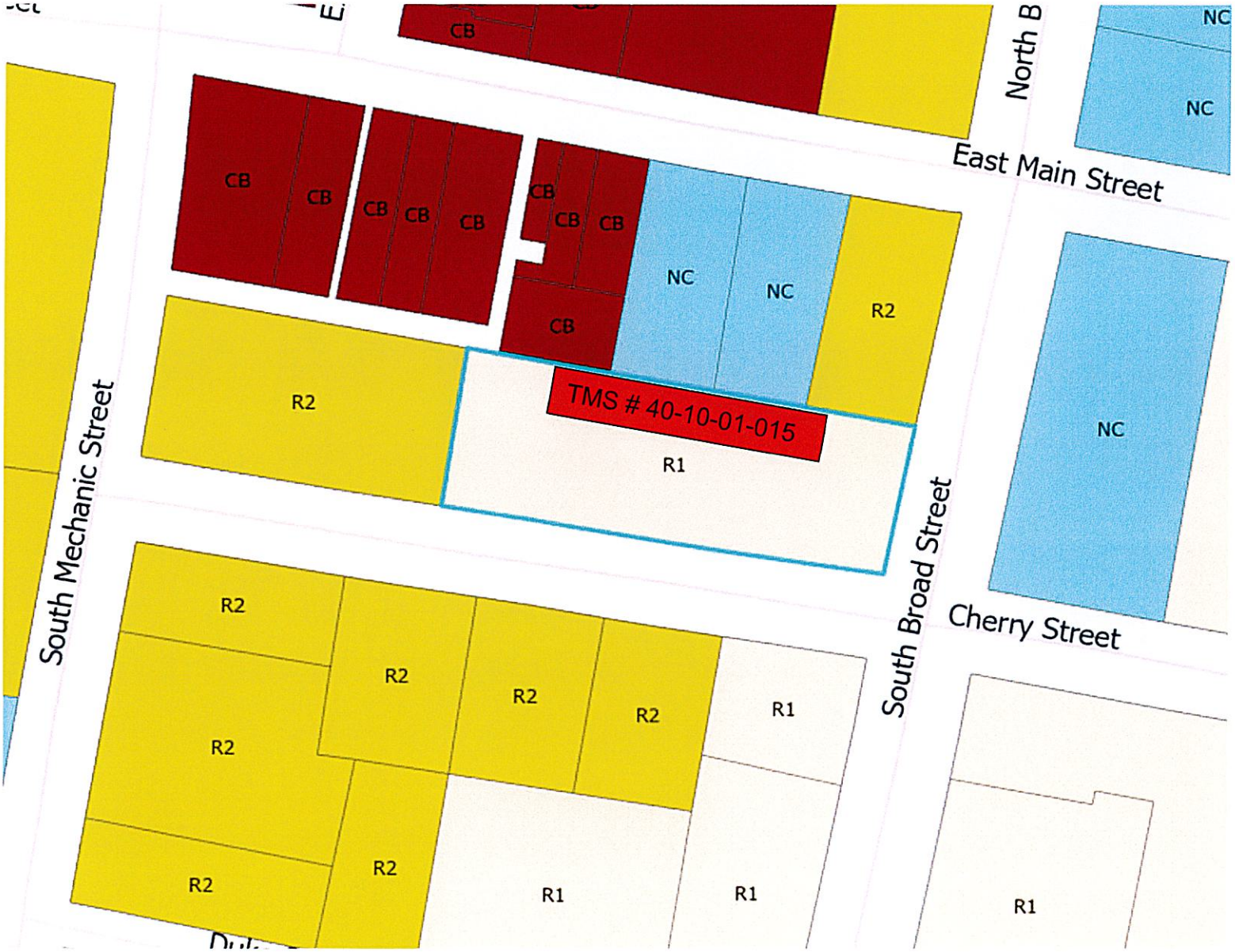
Reason for Request: The applicant has requested to subdivide the subject property into several parcels. Using GIS measurements, staff estimates this property's area at approximately 40,800 square feet. With the current R1 zoning, which requires a minimum lot size of 20,000 square feet, the property would be limited to being split into two parcels. Rezoning the property to R2, which has a 10,000-square-foot minimum lot size, would allow it to be divided into four parcels, a request the applicant is eventually seeking.



(Facing corner of Cherry Street and South Broad Street, image from Google Street View, February 2026)

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Current Zoning Considerations: This property is designated as a residential use on the Town of Pendleton's comprehensive plan's future land-use map. Several of the surrounding parcels are zoned R2 and have existing single-family homes. Additionally, several adjacent properties have commercial zoning and are active businesses. This property is currently a vacant field not in active use.



(Subject property with TMS # labeled and surrounding zoning districts)

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Section 5-1 Dimensional Requirements

TRICT	SUB-DISTRICT	MINIMUM LOT SIZE REQUIREMENTS					MAX BLDG COVER (%)	MINIMUM YARD REQUIREMENTS			MAX BLDG HEIGHT	
		Lot Area (sf) per dwelling	Density (units per acre)	Total Lot Area (sf)	Width (ft)	Depth (ft)		Front (ft)	Side (ft)	Rear (ft)	(story)	(ft)
CO		None										
AF		43,560	1.000	43,560	200	None	None	100	30	30	2.5	35
R-1		20,000	2.178	20,000	75	110	35	30	(1)	15	2.5	35
R-2		10,000	4.356	10,000	60	100	40	30	8	15	2.5	35
R-3		8,000	5.445	8,000	60	80	50	25	8	15	2.5	35
R-4		8,000	5.445	8,000	60	80	50	25	(2)	15	2.5	35
MF	One-Family	8,000	5.445	8,000	60	80	50	25	8	15	2.5	35
	Duplex	6,000	7.260	12,000	80	100	50	30	8	15	2.5	35
	Multi-Family	(3)			100	None	(4)	35	(5)	25	3	40
CB		None						(6)	(7)	None	3	40
NC		None						(8)	(9)	(10)	3	40
AB		None						(8)	(11)	None	3	40
LI		None										

(Town of Pendleton's Dimensional Standards)

SECTION 3-2 DISTRICT PURPOSES

A. R-1, Low-Density Residential District. A district for low-density one-family dwellings situated on lots having a minimum area of twenty thousand (20,000) square feet, and including customary secondary uses.

B. R-2, Low-Density Residential District. A district for low-density one-family dwellings situated on lots having a minimum area of ten thousand (10,000) square feet, and including customary secondary uses.

C. R-3, Medium-Density Residential District. A district for low-density one-family and two-family dwellings situated on lots having a minimum area of eight thousand (8,000) square feet, and including customary secondary uses.

D. R-4, Medium-Density Mixed Residential District. A district for medium-density one-family dwellings situated on individual lots having a minimum area of eight thousand (8,000) square feet, and including customary secondary uses.

E. MF, Multi-Family Residential District. Primarily a district for median- and high-density one-family and two-family residential development, including customary secondary uses.

F. AB, Area-Wide Business District. Primarily a district for retail and service uses along major streets and highways to serve both the traveling public and local residents.

G. NC, Neighborhood Commercial District. Primarily a district for the development of low-intensity commercial and service centers that are accessible by pedestrians and vehicular traffic, serve the daily convenience and personal service needs of the surrounding neighborhood, and are of such a nature as to minimize conflicts with surrounding residential uses and to allow for residential uses.

H. CB, Central Business District. Primarily a district for the intensive business and commercial development of certain areas of the town. Off-street parking is permitted separately and is not required as a use because of small lot sizes and intensity of development. This District is designed to provide comparative shopping opportunities within a concentrated area, and promote a business climate essential to the vitality and economic stability of the community.

Staff Recommendation:

Staff recommends approval of the rezoning request from R1(Low-Density Residential) to R2(Low-Density Residential) on the property in question for the following reasons

1. The rezoning would be consistent with the districts and density of the surrounding properties.
2. The subdivision would create a lot that is consistent with R2 requirements.

ATTACHMENTS:

Attachment A: Request for rezoning
Attachment B: Pictures of the property
Attachment C: Map of the area
Attachment D: Legal ads

Attachment: A

ning Application Form

Town of Pendleton, SC

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Rezoning Application

Date: 6-15-26 Request Number (to be filled by Staff): B26 - 110

Instructions:

1. Submit the application form with owner's signature, legal description, any other supporting documents, and a map with the rezoning area highlighted.
2. Application Fee = $300 any type
3. Deadline is thirty (30) days prior to the next Planning Commission meeting (see deadline schedule).

Name of Property Owner: Jesse Reid Garrison Revocable Trust

[redacted]

Name of Applicant (if other than property owner): DRR Properties, Inc c/o David Rosenberg

[redacted]

Property Location: Cherry St./S. Broad

Existing Zoning Classification: R-1 Proposed Zoning Classification: R-2

# of Acres: .97 Tax Map Number: 401001015

Describe the nature of the request or attach description: Subject Property backs up to a mix of Commercial and Residential (R-2) uses on The Square. Subject property is on Cherry Street which is mostly (R-2) zoned Lots/Homes. Our request is to rezone to R-2 which is in keeping with surrounding uses. We would like to have (4) Single Family Homesites.

*********OFFICE USE ONLY*********

[redacted]

Date received: 6-15-26 Fee Paid: ✓

Date Advertised: 7-9-26 Hearing Date: 8-13-26 Date Sign Posted: 7-2-26

TOWN STAFF RECOMMENDATION: APPROVED ✓ DENIED: _____

PLANNING COMMISSION RECOMMENDATION: APPROVED _____ DENIED: _____

COUNCIL DECISION (Date of 2nd Reading): APPROVED _____ DENIED: _____

Comments: Adjacent property owner notices were ordered to be sent out on 7/7/26. Sent to all owners within 500ft of subject property

Attachment: A

PROPOSED 4-LOT SUBDIVISION PLAN

PENDLETON, SC
PARCEL ID: 401001015

SITE DATA

Total Acreage:	0.97 AC (42,244 SF)
Zoning:	R-2
Proposed Lots:	4
Proposed Lot Size:	89.5' x 118'
Lot Area (Each):	10,561 SF (0.24 AC) MIN.
Total Area (4 Lots):	42,244 SF (0.97 AC)
Remainder for Easements:	-
Setback Adjustments:	-

R-2 ZONING SETBACKS

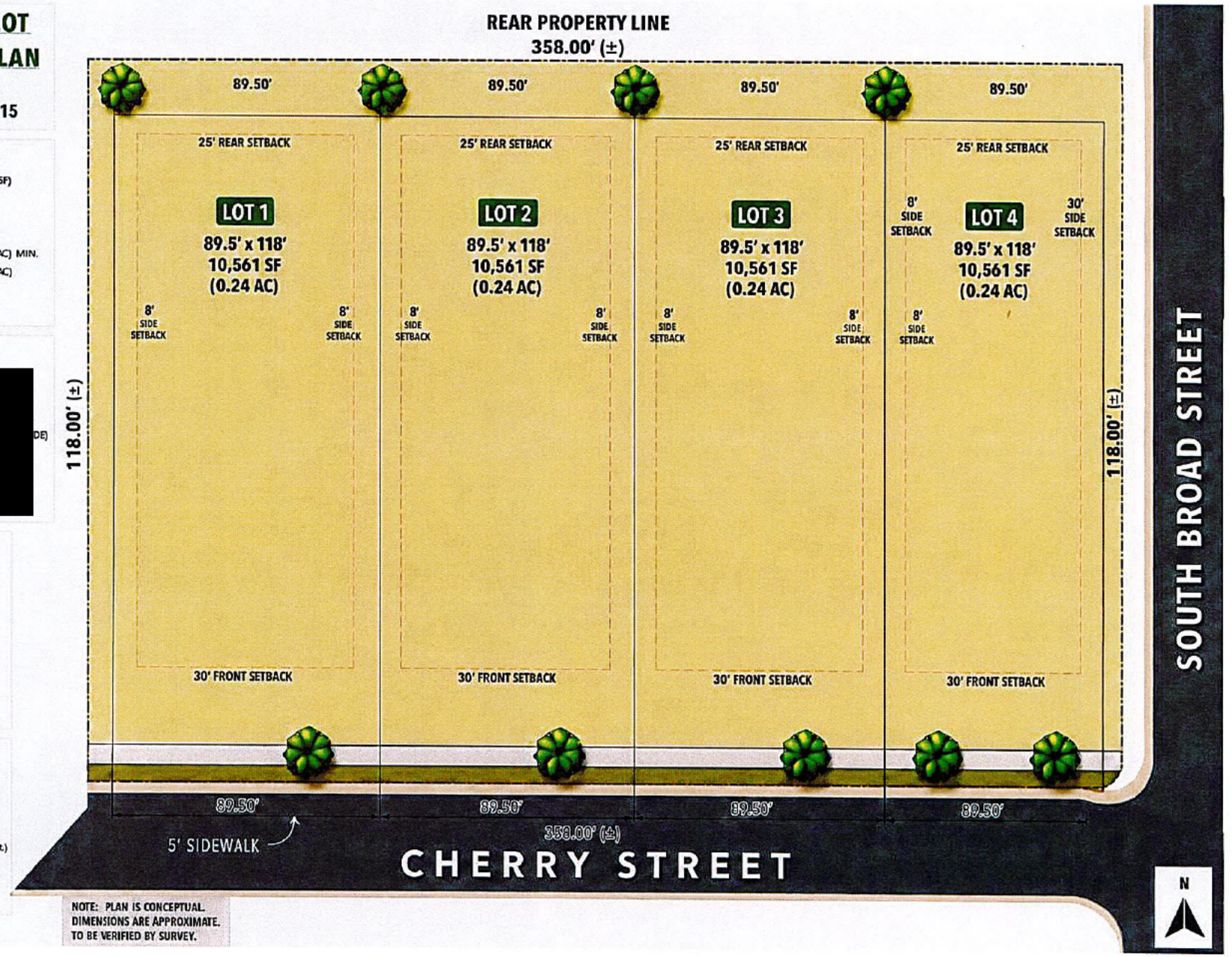
[redacted]DE)

LEGEND

- Property Line
- Proposed Lot Line
- Setback Line
- House Footprint
- Driveway
- Walkway
- Pavedwalk (Entry Walk)
- Deciduous Tree
- Street Tree

SUMMARY

- All lots meet R-2 zoning requirements
- Lot 4 garage enters from South Broad Street
- All lots exceed minimum 8,000 SF
- 8' setback along Cherry Street frontage
- 30' setback on Lot 4 right side (South Broad St.)
- Utilities available from Cherry Street and South Broad Street



NOTE: PLAN IS CONCEPTUAL. DIMENSIONS ARE APPROXIMATE. TO BE VERIFIED BY SURVEY.

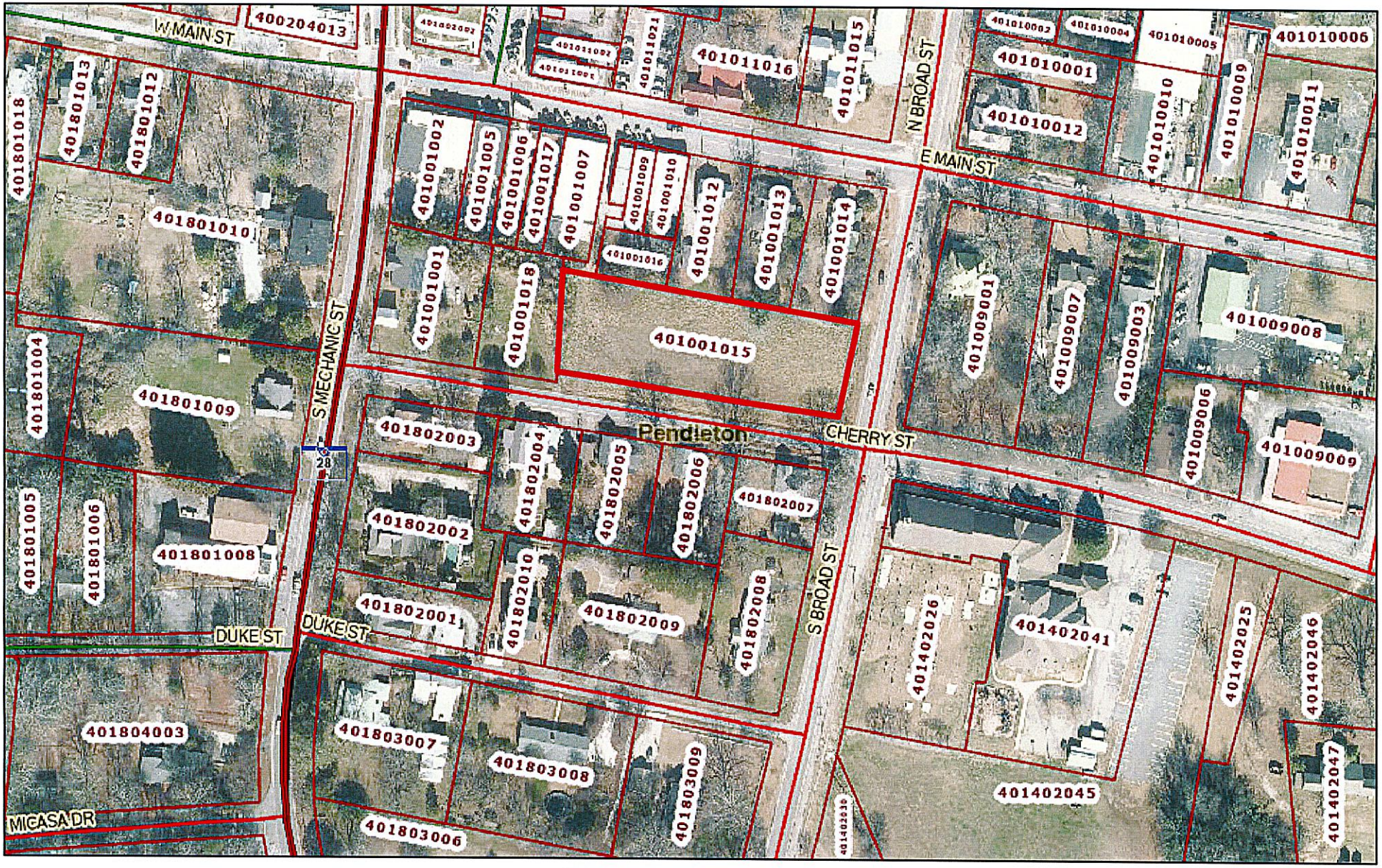
Attachment: B




STOP
ALL WAY
PUBLIC HEARING
FOR INFORMATION
CONTACT
646-9409
07/02/2026 11:58

Attachment: C

Letter ANSI A Landscape



August 7, 2026

1

ESRI, Highland Mapping, and Anderson County GIS

Attachment: B for Resolution
Attachment: D From Staff Report

USA TODAY CO.

LocaliQ

PO Box 631697 Cincinnati, OH 45263-1697

AFFIDAVIT OF PUBLICATION

Owen Rines
Town Of Pendleton
310 Greenville Street
Pendleton SC 29670

STATE OF WISCONSIN, COUNTY OF BROWN

Being duly sworn, doth depose and say that she/he is an authorized representative of the Independent-Mail, a newspaper published in South Carolina; and that an advertisement of which the annexed is a true copy, taken from said paper, has been published in said newspaper in the issues dated:

07/09/2026

That said newspaper was regularly issued and circulated on those dates and that the fees charged are legal.

[redacted]

Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost:	$90.40	
Tax Amount:	$0.00	
Payment Cost:	$90.40	
Order No:	12465639	# of Copies:
Customer No:	948972	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

PUBLIC NOTICE

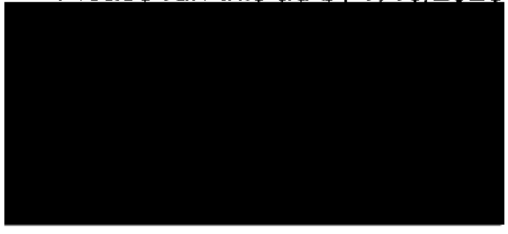
The Town of Pendleton Planning Commission will hold a Public Hearing in the Council Chambers of Town Hall on Thursday, August 13, 2026, at 6:00 pm to receive public comments on a request to rezone property located at the corner of Broad Street and Cherry Street, having TMS# 40-10-01-015, from R1(Low-Density Residential) to R2(Low-Density Residential).

Attachment: B per resolution
Attachment: D From Staff Report

PUBLIC NOTICE

The Town of Pendleton Planning Commission will hold a Public Hearing in the Council Chambers of Town Hall on Thursday, August 13, 2026, at 6:00 pm to receive public comments on a request to rezone property located at the corner of Broad Street and Cherry Street, having TMS# 40-10-01-015, from R1(Low-Density Residential) to R2(Low-Density Residential).

Please run this ad by 7/13/2026



Attachment: D

Town of Pendleton
Planning Commission

Public Hearing
August 13 at 6pm

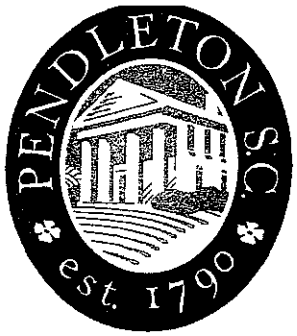
The Town of Pendleton has received a request to rezone property located at the corner of Cherry and Broad Street, having TMS#: 40-10-01-015. The request is to rezone the property from R1 (Low-Density Residential) to R2 (Low-Density Residential). The Planning Commission will hold a public hearing on this request on August 13 2026, at 6 pm. The meeting will be held at Pendleton Town Hall, 310 Greenville Street.

Pendleton Town Hall
310 Greenville Street
864-646-9409

Please Contact Planning and Zoning staff for any questions

- owenr@townofpendleton.org
- 864-813-3907

Attachment: D



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Vistaprint
48174

9250 Red Rock Road
Reno, NV 89508

Notice of Public Hearing
Pendleton Planning Commission
August 13 at 6pm

Pendleton Town Hall
310 Greenville Street
Pendelton, SC, 29670

PENDLETON TOWN OF
OR CURRENT RESIDENT
310 GREENVILLE ST
PENDLETON, SC 29670-1419

Attachment D

Recipient	Company
ORANGE FRONTIER LLC	
SMITH J D JR	
SHERER CHRISTOPHER J	
PERKINS JOHN + JENNY H	
ARTHUR BANNING POWELL LLC	
RHODES JEROME M + KATHY A	
LUSK ANNIE MAE	
WARD A SCOTT	
GILLESPIE ALLIE L	
TIDWELL POWELL LLC	
EJI LLC	
HWA 2 LLC	
WATTS SUSAN C	
DUBOSE ANNA SERENA	
JESSE REID GARRISON REVOCABLE TRUST 1997	
EJI LLC	
BUCHANAN LEON + ALLISON	
MOLONEY STEVEN + HILLAIRE	
PENDLETON FARMERS SOCIETY	
PENDLETON TOWN OF	
BOXWOOD HOLDINGS LLC	
DMOF2 LLC	
PENDLETON TOWN OF	
CAULEY MICHELE M	
TALON HOLDINGS LLC	
PENDLETON FIRE DEPARTMENT	
JONES TERESA H + THOMAS A	
JONES TYLER SIMMONS + ALLISON ODELL	
FLEMING DAVID B + CAREY ANN	
STEVENS JAMES C + BROOKS HARRIS	
CRENSHAW FRANK H	
BELLSOUTH TELECOMMUNICATIONS INC	
CRENSHAW FRANK H	
JAY HO 2021 LLC	
SMITH MARY DANIELLE ELLIOTT	
MAIN EXCHANGE LLC	
MAIN EXCHANGE LLC	
PENDLETON LODGE 34	
PENDLETON LODGE 34	
WAGNER ERNEST ALLAN + MARGARET ANN	
LAMC SOLUTIONS LLC	
LAMC SOLUTIONS LLC	
EXCHANGE STREET GALLERY LLC	
RHODES JEROME M + KATHY A	
B + G PROPERTIES CLEMSON LLC	
RHODES JEROME M + KATHY A	
HOLLAND JOHN T + MICHAELA D	
PENDLETON HOUSE 195 LLC	
KLINE ELLIS L	
RHODES JEROME M + KATHY A	
PENDLETON TOWN OF	
PENDLETON TOWN OF	
PENDLETON METHODIST CHURCH	
FIRST BAPTIST CHURCH OF PENDLETON	
PENDLETON METHODIST CHURCH	
PENDLETON METHODIST CHURCH	
CLEMSON LITTLE THEATRE	
SHELBA JEAN DORMAN TRUST	
MCCUEN CHARLES MANLEY JR + LINDA KAYE	
PERRY DAWN M	
GEDDINGS JEAN WILSON	
STRICKLAND ANN HILL	
PENSMECH LLC	
HUTTO GEORGE A III + MIRIAM S	
POWELL BRIAN A + MELISSA T	
FERGUSON MARK P	
RUPPERT LISA H	
STASNEY JANNET B	
JONES WILLIAM A + APRIL S	
JONES WILLIAM A + APRIL S	
ACORN JOHN T LIFE EST	
KONING KATHRYN + ALEXANDER	
LEMAHIEU MICHAEL L + ELIZABETH J RIVLIN	
JOHNSON C CHRIS + MARY BESS	

Attachment: D

Outlook

Your order is confirmed

From VistaPrint <no-reply@t.vistaprint.com>
Date Tue 7/7/2026 10:07 AM
To Owen Rines <owenr@townofpendleton.org>

Order Confirmation

VistaPrint

Thanks for your order, Owen.

Check order status

Order details

Order number
VP_CGF6391J

Order date
Tuesday, July 7, 2026

Billing address
Owen Rines
Town of Pendleton
310 Greenville Street
Pendleton , SC 29670
United States

Items

Mailing Services Postcards

Postcard Mailing Services
Quantity: 60

$77.59

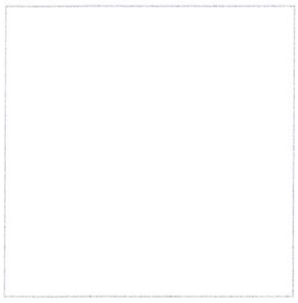
Total	$77.59

Order summary

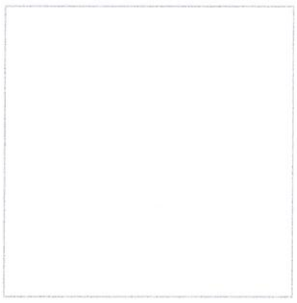
Subtotal	**$77.59**
Tax	$4.24
Total	**$81.83**

$25 off $75+ with free economy shipping

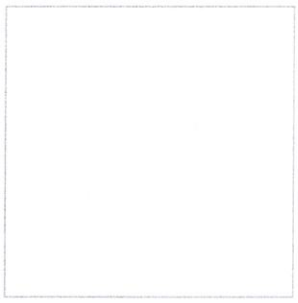
Some ideas for next time:



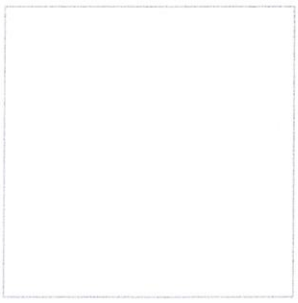
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Pendleton Town Council

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Mayor
Sarah Stowkoski

Council Members
Lyn Merchant
Barbara Hamburg
Nancy von Meyer
Jeff Van Drie

Administrator
(Interim) Amber Barnes
Municipal Clerk
Amber Barnes

A RESOLUTION BY THE PENDLETON PLANNING COMMISSION TO REZONE PROPERTY LOCATED AT THE CORNER OF CHERRY STREET AND SOUTH BROAD STREET HAVING TMS#40-10-01-015 FROM R1(LOW-DENSITY RESIDENTIAL DISTRICT) TO R2(LOW-DENSITY RESIDENTIAL DISTRICT)

WHEREAS, on June 15, 2026, the applicant, DRR Properties, Inc., requested to rezone this property from R1 (Low-Density Residential) to R2 (Low-density Residential) on behalf of Jesse Reid Garrison Revocable Trust;

WHEREAS, this property is located at Cherry Street and South Broad Street, having TMS #40-10-01-015;

WHEREAS, this property is currently zoned R1(Low-Density Residential), and;

WHEREAS, a public hearing was held at the Planning Commission regular meeting on August 13, 2026, on this rezoning request.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission recommends that Pendleton Town Council rezone this parcel located at 610 Cherry Street from R1(Low-density Residential) to R2 (low-density Residential).

Attachment A: Rezoning Application
Attachment B: Legal Advertisements
Attachment C: Map of the Area

Resolved in a meeting duly assembled this_____day of_____, 2026.
Planning Commission Chair:_____Date:_____.

PROPOSED AMENDMENTS TO THE EXISTING TOWN ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS

Resolution Item a. Anderson County Stream Buffers

1. Amend Section 2-2 Definitions to add the following:

Riparian Buffer means a naturally vegetated or enhanced vegetated area adjacent to a stream, river, lake, wetland, or other jurisdictional waterbody that is intended to protect water quality, reduce erosion and sedimentation, preserve streambank stability, mitigate flooding, and support aquatic and terrestrial habitat.

2. Amend Section 6-2 to add Section D. Riparian Buffers and add the below text:

D. Riparian Buffers

1. Purpose.

Riparian buffers are established to:

a. Promote public health by protecting private and public drinking water supplies from excessive non-point source contaminants, including sediment, chemicals, pollutants, and nutrients.
b. Support natural resources by enhancing wildlife habitat, including wildlife corridors, fisheries, and the quality of water bodies.
c. Prevent and control flooding, storm damage, and erosion through more even dissipation of drainage flows.
d. Enhance the scenic and recreation qualities of publicly utilized water bodies; and
e. Promote and protect the public health, safety, order, appearance, prosperity, and general welfare.

2. Generally:

a. Applicability:

Riparian buffers shall apply to all Waters of the State (WoS), including wetlands, for all new development requiring an approval for stormwater management in accordance with the "Anderson County Stormwater Design Manual".

i. The "Anderson County Storm Water Design Manual" is adopted as part of this Ordinance.
ii. The current "Anderson County Storm Water Design Manual," as amended at the date of the development application will apply.

b. Exemptions:

i. Activities with approval by a State or Federal Agency for Sections 401 or 404 of the Federal Clean Water Act.

ii. ~~New development or~~ redevelopment where a larger common plan of development has prior approval of encroachments into riparian buffers. ~~{{ How would new development have prior approval? }}~~

iii. Man-made ponds, lakes, and ditches which are outside natural hydrologic connectivity and those created for stormwater management under an NPDES permit or Anderson County stormwater management approval.

c. Manual and Specifications:

i. Applicants must fully comply with "Anderson County Technical Specification WQ-08 Permanent Water Quality Stream Buffers" for concentrated discharges to a buffer from new impervious area not receiving post-construction water quality treatment.

ii. The "Anderson County Technical Specification WQ-08 Permanent Water Quality Stream Buffers" is adopted as part of this Ordinance.

iii. The current "Anderson County Technical Specification WQ-08 Permanent Water Quality Stream Buffers" at the date of the development application will apply.

d. Delineation:

i. All relevant ~~WoS~~ wetlands shall be delineated by a certified licensed professional using U.S. Army Corps of Engineers and SCDES's Water Classifications and Standards and shall be shown in the Storm Water Management and Sediment Control Plan along with all riparian buffer areas.

3. Standards:

a. Riparian Buffer Requirements:

i. A minimum 50-foot riparian buffer as measured from the top of the stream bank inland on each side of all WoS where the watershed is less than 50 acres.

ii. A minimum 100-foot riparian buffer as measured from the top of the stream bank inland on each side of all WoS where the watershed is 50 acres or more.

b. No Disturbance. Within a riparian buffer, the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storage of materials and machinery are prohibited within the buffer.

c. Encroachments. The following structures and activities are permitted within the riparian buffer if approved by the Town of Pendleton Planning Commission:

i. Utilities

ii. Road crossings, bridges, and trails

iii. Agriculture and Silviculture

iv. Scientific studies, including water quality monitoring and stream gauging
v. Stream restoration projects
vi. Removal of hazard trees and invasive species
vii. Dock and bulkhead installation and repair

Resolution Item b. Historic Overlay District

The Planning Commission and Staff will research and bring back a new Historic Overlay District.

Resolution Item c. Public Tree Ordinance

1. **Amend Section 6-2 to add Section E. Tree Protection and add the below text:**

E. Tree Protection

1. General

a. Purpose. The purpose and intent of this Section is to protect existing tree cover; facilitate the incremental growth of the Town~~City~~'s tree canopy; enhance and preserve the environmental and aesthetic qualities of the City; encourage site design techniques that preserve the natural environment and enhance the developed environment; control erosion, slippage, and sediment runoff into streams and waterways; increase slope stability; improve air quality; protect wildlife habitat and migration corridors; and reduce homeowner energy costs.

b. Applicability. Except as stated herein, the requirements of this Section apply to all land-disturbing activities that require permit for existing and new development, including a grading permit, building permit and compliance letter.

c. Exemptions. The following developments and activities are exempt from this Section except where otherwise noted below.

i. The removal of diseased, dead or naturally fallen trees as determined by a certified arborist, licensed landscape architect or the Zoning Administrator; or trees that are found to be a threat to the public health, safety, or welfare by a TRAQ certified arborist or the Zoning Administrator.

ii. The selective and limited removal of vegetation or trees under 10 inches in diameter at breast height is necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work.

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iii. The removal of trees within operationally active utility easements to maintain their intended function.

iv. The removal of trees or vegetation on land that is being used for agricultural and forestry activities, including tree farms and approved forestry management practices, except that if a site is substantially cleared of trees pursuant to legitimate agricultural or forestry activities, no development applications will be accepted for 36 months from the date the clearing is completed. It is the burden of the property owner to prove that any timber harvesting or land clearing is conducted as a commercial timber operation. A forestry plan must be submitted that demonstrates that the intended forestry activities will contribute to the long-term production of marketable forest products and ensure the continued existence of forests through regeneration. Conducting a timber sale as the sole timber management activity does not constitute a "commercial timber operation."

v. Residential property consisting of an existing single-family home~~, and where the tree is located in the rear or side yard. Mitigation or replacement shall not be required for front-yard removal; only tree coverage requirements~~.

vi. Tree clearing or cutting performed to comply with aeronautic safety requirements mandated by federal or State law or regulation.

d. Tree Protection Zone (TPZ). Before and during any land disturbance, construction, or development, the following measures shall be utilized to protect trees, including tree crowns and roots, designated for retention on development plans. The location of the TPZ fencing and method of construction shall be noted on the site plan.

i. Prior to clearing/grading/land disturbance, construction, and/or development of a property, the owner shall install all tree and root protection necessary to protect identified canopy and understory trees from damage.

ii. All trees shall be protected with a sturdy and visible fence before any land disturbance begins. At a minimum, such Tree Protection Zone (TPZ) shall be established and be equal to a one-foot radius on the ground for every inch of

Diameter at Breast Height (DBH) or the extent of the drip line of each canopy and understory tree to be protected, whichever is greater.

iii. Tree protection fencing shall be installed and remain in place and in good condition until all clearing/grading/land disturbance, development, and construction activities are completed.

iv. The TPZ fencing shall be constructed from any material visible and substantial enough to prohibit and keep out vehicles, people, and all other activities associated with the clearing/grading/land disturbance, development, and construction process. Examples include wood posts and rails, chain link fencing, wire fencing and posts, and other substantial materials. Tree protection fencing shall be a minimum of four feet high.

v. All Tree Protection Zones shall be designated as such with signs posted visibly on all sides of the fenced protection area, with lettering and colors that provide maximum readability in terms of distance and contrast.

vi. No soil disturbance or compaction, stockpiling of soil or other construction, paving, or landscaping materials, vehicular traffic, or storage of heavy equipment is allowed in the tree protection zones of trees to be retained.

vii. In situations where strict adherence to the provision of tree protection zones is not possible due to factors including, but not limited to, site conditions, overlapping tree protection zones, or grade changes, the Zoning Administrator may, through field determination and consultation, allow modifications to the required tree protection zone.

2. Tree Inventory. The tree inventory and protection plan must be submitted with an application for any land development activity that is not otherwise exempt.

   a. A legible tree inventory must be submitted as part of an application for any land disturbing permit or activity, including storage or staging of equipment. The inventory must show all heritage trees and trees greater than 8 inches DBH to be removed (or for residential property consisting of an existing single-family home where title to such property is acquired on or after July 1, 2021, trees that meet the heritage tree definition), and any tree to be retained. Trees must be clearly identified on the tree survey as either to be removed or retained. Each retained tree should have its critical root zone identified to determine impacts.

i. The tree inventory must include any boundary trees, i.e., trees on neighboring properties, which may experience any land disturbance, including storage of equipment or other material, within their critical root zone. In cases where the boundary tree cannot be accessed by a surveyor, the dripline can be substituted for the critical root zone.

ii. Invasive tree and prohibited tree species, ~~as determined by the Zoning Administrator,~~ all species listed on the South Carolina Invasive Species List and all Pinus species, except the Longleaf Pine, Eastern White Pine and Loblolly Pine are exempt from tree protection requirements.

iii. Encroachment within the critical root zone, or dripline, if the tree cannot be accessed by a surveyor, of trees located on adjacent properties is not allowed without written approval from that adjacent property's owner if the tree is to be impacted. If the limits of disturbance or land disturbance activity may reasonably be expected to occur within the critical root zone, or dripline as defined above, of trees located on adjacent properties, a letter from the tree's owner may be provided in lieu of tree protection for the tree. The letter must clearly state that the tree's owner is aware of the risk to the tree, that the land disturbing activity may result in the immediate or long-term death or demise of the tree, and that the Town is not responsible for any damage or removal of the tree or its parts. The letter must be signed by the adjacent property owner and included with the tree inventory.

3. Tree Removal and Replacement. Any d~~D~~evelopment or redevelopment activity that results in the removal or injury of canopy trees 8 inches or greater in DBH (or for residential property consisting of an existing single-family home, trees that meet the heritage tree definition), that are not ~~recognized~~ listed in Section 2.a.ii as invasive or prohibited species ~~invasive species~~, must provide replacement or mitigation equal to or greater than the cumulative DBH of the trees removed and/or injured as follows:~~:~~

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a. Canopy trees required to meet landscape requirements per the Development Code may be used to meet tree replacement requirements.

b. Tree loss mitigation may be provided by retaining existing canopy trees on site, which meet the following criteria:

i. Trees are between 3 inches and 6 inches DBH;

ii. Trees are in good health and are free of damage or disease, as verified by a certified arborist; and

iii. Trees are not a recognized invasive or prohibited species, as listed in Section 2.a.ii., ~~or of the Pinus species~~; and

iv. Trees are not within an active utility easement.

c. For all residential properties consisting of an existing single-family home, any activity that results in the removal or injury of trees that meet the heritage tree definition must provide replacement or mitigation equal to or greater than the cumulative DBH of the trees removed and/or injured ~~other parcels and land development applications, the applicant shall submit a tree survey (as described in the above section) notating all applicable trees/landscaping to be removed, as well as planned vegetation. For those canopy trees over 8 inches in DBH and trees classified as Heritage trees, the following mitigation schedule shall apply:~~

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~~Table 6.2: Tree Replacement and Mitigation Schedule~~

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~~Tree Type~~	~~Replacement: % of caliper inches~~	~~Mitigation: Cost/Caliper Inch~~
~~Canopy Tree~~	~~25%~~	~~$10/inch~~
~~Heritage Tree~~	~~33%~~	~~$50/inch~~
~~EXAMPLES:~~	~~APPROVED REPLACEMENT~~	~~APPROVED MITIGATION~~
	~~Heritage Tree: A 24-inch Live Oak tree is approved to be removed. The applicant may choose to plant back four (4) 3-inch Live Oaks (12") to equal 50% of the tree to be removed~~	~~Historic Tree: A 24-inch (DBH) Live Oak tree is approved to be removed. The applicant must pay $2,400 for the removal of the tree (24" x $100 = $2,400)~~
	~~Canopy Tree: A 12-inch Live Oak tree is approved to be removed. The applicant may choose to plant back one (1) 4-inch live oak to equal 33% of the tree to be removed.~~	~~Canopy Tree: A 12-inch tree is approved to be removed. The applicant must pay $600 for the removal of the tree (12" x $50 = $600)~~

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~~*Replacement location of historic or significant trees removed shall be decided by the Zoning Administrator or applicable review entity.~~

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d. This is straight from the City of Greenville Ordinance. In cases where tree mitigation is required but planting is not preferred by the applicant, the Town Administrator must approve a fee-in-lieu-of mitigation via payment to the Town's Tree Fund. Fees must be based on market rate quotes for related tree mitigation. Fee-in-lieu-of mitigation fees are capped at $25,000 per acre (excluding heritage tree fines), to be adjusted upward or downward on a pro rata basis based upon the size of the parcel. By way of example, the fee-in-lieu would be capped at $12,500 for a one-half acre parcel and capped at $37,500 for a one and one-half acre parcel. This fee in-lieu of shall not exempt the applicant from any landscaping requirements such as buffers, screenings, parking lot landscaping, and other plants required with the development application. The Tree Fund will be managed by the Town and must be used solely for the purposes of:

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i. New tree purchase and installation by the Town.

ii. A percentage of new tree and landscape material and installation costs for affordable housing developments, as defined by the Town, and executed via development agreements with the Town;

iii. Maintenance of existing tree canopy on public property and rights-of-way;

iv. Purchase of real property for the purposes of tree plantings or dedicated open space; or

v. Administration of the above.

vi. The total tree mitigation fee may be reduced by a percentage equal to the percentage of affordable housing units included within the project as documented by the Town.

4. Should this be removed? This would be difficult to measure/enforce. Tree Coverage Requirements. In addition to the standards laid out within this Section, land or property shall maintain a minimum baseline canopy coverage area 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:

Table 6.3: Tree Coverage Requirements	
Type of Development	Minimum Number of Trees Required*
	1 Canopy/Overstory Tree Required
Single Family Residential, Detached	Per 4,000 sq. ft. of lot size
Attached Single Family, Two-family, three-family dwellings	Per 6,000 sq. of lot size
Multi-Family	Per 4,000 sq. ft. of lot size
Town Center	N/A
Lodging & Mixed Use	Per 6,000 sq. ft. of lot size
Office, Commercial, & Vehicular	Per 6,000 sq. ft. of lot size
Civic & Institutional	Per 8,000 sq. ft. of lot size
Industrial	N/A
*Approved existing vegetation, buffer trees, street tress, landscaping islands, etc. could all count towards this requirement.	

Resolution Item d. Sidewalk Requirements and Connectivity

1. **Amend Sections of the Town of Pendleton Land Use Regulations to repeal Section 7&.11 Sidewalks and replace with the below text:**

SECTION 7.11 SIDEWALKS

1. Design Specifications.

    a. Sidewalks are required to be a minimum of five (5) feet wide according to ADA (Americans with Disabilities Act) Standards.

b. Sidewalks shall be placed parallel to streets, with exceptions permitted to preserve natural features, or to provide visual interest, or where required for pedestrian safety.

c. Design and location of sidewalks shall connect with existing pedestrian infrastructure.

~~c.~~d. Sidewalks are required on both sides of all newly constructed roads and must be constructed at the front of the property from property line to property line, regardless if there are sidewalks present on adjacent parcels.

2. Construction Specifications

a. Sidewalks shall be four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.

b. There shall be a minimum distance of two (2) feet between the back of curbing to the edge of sidewalk to provide an area for a planting strip and buffer from vehicular traffic.

c. Expansion Joints: Preformed expansion joints three-quarter (¾) inch thick, extending the full depth of the concrete, shall be constructed at the locations indicated on the plans and at other locations as follows:

i. Whenever a sidewalk is constructed between an adjoining substantial structure on one side and curbing on the other side, an expansion joint shall be formed adjacent to the curbing.

ii. An expansion joint shall be placed between the sidewalk and the radius curbing at street intersections.

iii. When sidewalks are constructed adjacent to existing or new pavements or structures, expansion joints shall be placed to match these existing joints.

iv. Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual, Latest Edition, as amended.

d. Contraction Joints: The concrete slabs in sidewalks between expansion joints shall be divided into blocks five (5) feet in length by scoring transversely after floating operations are complete. Whenever the sidewalk slabs are more than ten (10) feet in width, they shall be scored longitudinally in the center. All scoring shall extend for a depth of one (1) inch and shall not be less than one-quarter

(1/4) inch or more than one-half (1/2) inch in width. All scoring shall be edged and finished smooth and true in line.

e. Graded areas shall be planted with grass or treated with other suitable ground cover, and their width shall correspond to that of sidewalks.

3. Bonding Requirements. The bond requirement for sidewalks is 150% of the estimated construction costs for all sidewalks required by the provisions of this ordinance. The contractor may secure the bond to allow for installation at the closing stages of the phase or complete development of the project. The contractor must secure approval from the Director of Public Works and the Zoning Administrator to bond sidewalk installation and improvements.

Resolution Item e. Generalized Design Standards

1. Amend Section 6 of the Town of Pendleton Zoning Ordinance to add Section 6.11 General Design Standards

SECTION 6-11 GENERAL DESIGN STANDARDS

All commercial or residential development or redevelopment that are not located in a Town of Pendleton Overlay District must meet the below requirements:

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A. Site Design Standards

1. Building Orientation

a. Buildings shall be oriented toward public streets, sidewalks, parks, or other public spaces.
b. Primary entrances shall face the primary street whenever practical.
c. Corner lots shall provide architectural features and entrances that address both street frontages.

2. Pedestrian Design

a. Development shall be designed to encourage pedestrian movement.
b. Buildings shall be connected to public sidewalks and parking areas by clearly defined pedestrian walkways.

3. Building Placement

a. Buildings within the same development should maintain consistent setbacks and orientation.
b. Commercial buildings should generally be located near the street to define the public realm.

4. Parking

a. Parking shall be located beside or behind buildings whenever practical.
b. ~~Large~~ ~~P~~parking lots serving Commercial Complexes, Group Developments or Mixed Use Development shall be divided into smaller parking areas through landscaping, pedestrian connections, or landscaped islands.
c. Parking areas adjacent to public streets shall be screened with landscaping.

5. Streetscape

a. Development shall contribute to an attractive streetscape through the use of sidewalks, street trees, landscaping, pedestrian-scale amenities, and coordinated site design.
b. Street trees that are of an appropriate size and type for each site shall be installed where required by the Section 6-2 Landscaping, Buffering and Screening Requirements of the Town's Zoning Ordinance~~Landscape Standards~~.

B. Building Design Standards

1. Human Scale

a. Buildings shall incorporate architectural elements that reduce perceived mass and create visual interest.
b. Long blank walls shall be avoided.
c. Large buildings shall incorporate changes in wall plane, roofline, materials, windows, or other architectural features to reduce visual monotony.

2. Building Articulation

a. Buildings visible from public streets shall incorporate a clearly defined base, body, and roofline or parapet.
b. Changes in materials, projections, recesses, porches, balconies, or similar architectural features shall be used to create visual interest.

3. Entrances

a. Primary entrances shall be clearly identifiable through architectural features such as porches, stoops, canopies, awnings, recesses, columns, or similar elements.
b. Corner commercial buildings are encouraged to provide entrances oriented toward both streets.

4. Windows

a. Windows shall be proportionate to the building and arranged in an orderly pattern.
b. Buildings facing public streets shall include windows that provide visual interest and reduce blank wall areas.
c. Reflective or mirrored glass is prohibited.

5. Roof Forms

a. Roof forms shall be compatible with the architectural style of the building.
b. Flat roofs shall include parapets or other architectural treatments.
c. Mechanical equipment shall not be visible from adjoining public streets.

C. Architectural Character

Development shall reflect traditional architectural forms and proportions commonly found throughout Pendleton while allowing contemporary interpretation.

Architectural styles may include, but are not limited to:

1. Traditional Southern
2. Craftsman
3. Colonial Revival
4. Vernacular
5. Farmhouse
6. Traditional Commercial
7. Contemporary designs compatible with surrounding development

Buildings shall avoid excessive ornamentation or architectural features unrelated to the overall design.

D. Building Materials

Exterior building materials shall be durable, high-quality, and appropriate for the architectural style.

Preferred materials include:

1. Brick
2. Natural or manufactured stone
3. Fiber-cement siding
4. Wood siding
5. Stucco
6. Standing-seam metal roofing
7. Architectural asphalt shingles

The following materials are discouraged or prohibited as primary exterior materials on principal façades:

1. Bare concrete masonry units (CMU)
2. Reflective or mirrored glass
3. Highly reflective metal panels
4. Bright synthetic colors
5. Faux stone of poor quality
6. Corrugated metal siding on principal façades (except where approved as an architectural feature)

Accessory buildings shall utilize materials compatible with the principal structure.

E. Color Palette

1. Exterior colors shall complement Pendleton's traditional architectural character.
2. Muted earth tones, natural colors, and historic color palettes are encouraged.
3. Accent colors may be used for doors, shutters, trim, and architectural details.

4. Highly fluorescent or intensely reflective colors are prohibited.

F. Residential Design Standards

Residential development shall reinforce traditional neighborhood character and must comply with Section 6-10 Infill Development Design Guidelines.

1. Front entrances shall be clearly visible from the street.
2. Front porches or stoops are encouraged and shall be required where specified by an Overlay District.
3. Attached garages facing the street shall be recessed from the primary façade whenever practical.
4. Garage doors shall not dominate the front elevation.
5. Rooflines shall incorporate gables, hips, dormers, or similar architectural features to create visual interest.
6. Accessory structures shall be compatible with the principal building in materials, roof form, and architectural character.
7. Multifamily buildings shall incorporate building articulation, varied rooflines, and four-sided architecture.

G. Commercial Design Standards

Commercial buildings shall reinforce an attractive pedestrian-oriented environment. Commercial infill development and redevelopment shall be constructed in a manner that is compatible with the size, color or materials of adjacent properties and properties located on the same street.

1. Primary entrances shall face public streets.
2. Ground-floor façades facing public streets shall incorporate transparent windows and active building frontages.
3. Buildings shall include architectural details such as cornices, awnings, canopies, recessed entrances, columns, or similar features.
4. Blank walls facing public streets shall be avoided.
5. Outdoor seating, plazas, courtyards, and pedestrian gathering areas are encouraged.
6. Service areas, loading facilities, and dumpsters shall be located behind or beside buildings and screened from public view.

H. Sustainability

Development should minimize impacts on natural resources through site-sensitive design.

The following practices are encouraged:

1. Preservation of mature trees where practical.

2. Minimization of grading and land disturbance.
3. Reduction of impervious surfaces.
4. Native and drought-tolerant landscaping.
5. Stormwater management practices that promote infiltration and water quality.
6. Underground utilities where practical.
7. Building orientation and landscaping that improve energy efficiency and provide shade.

Resolution Item f. Lighting Regulations

1. Amend Section 6-2 to add Section F. Lighting and add the below text:

I. LIGHTING

1. General
2. Purpose. The purpose of this section is to regulate exterior lighting to enhance the areas being lit, help ensure the safety of pedestrians, cyclists, and drivers, and minimize light spillage and glare.
3. Applicability. The provisions of this section shall apply to:
   a. All development in the Town of Pendleton, future annexations, and all lighting fixtures installed after the effective date of this Code.

   Replacement of site lighting and changes to existing light fixture wattage, type of fixture, mounting or fixture location must be made in compliance with this Section.

4. Exemptions. The following lighting types shall be exempt from the requirements of this section:

   a. Street lighting, which is regulated separately under Section 4.5.9.

   b. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular lights.

   c. All hazard warning lights required by Federal regulatory agencies and in compliance with adopted standards.

   d. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.

e. Lighting associated with holiday, festival, or other temporary uses.

f. Lighting of public art that has been permitted or otherwise approved by the Town.

g. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.

h. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.

i. Lighting of US and South Carolina State Flags.

j. Routine maintenance of all existing fixtures.

5. Standards

The following standards are required of all exterior lighting, with the exception of street lighting:

a. Design. Exterior lighting shall be consistent with the architectural character of the building.

b. Location

i. Fixtures shall be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.

ii. All lighting poles shall be located at least 10 feet from property lines defining rear and side yards.

iii. Light sources shall not be located within any perimeter-landscaped areas with the exception of pedestrian walkways.

c. LED Lighting. The use of LED lighting or other high-efficiency lighting equal to foot candles that are emitted by existing lighting are permitted. ~~is strongly preferred.~~

6. Shielding

a. Building lighting and landscaping lighting shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, building

foundation, plantings, or other site features and away from adjoining properties and the street right-of-way.

b. Any upwardly directed lighting used to illuminate structures shall be limited to low-wattage architectural lighting.

c. Lighting used to illuminate pedestrian walkways, and signage shall be downcast or cutoff type lighting fixtures.

7. Maximum Height. The maximum height as measured from grade for outdoor lighting, except outdoor recreation and performance areas, shall be:

a. Non-Cut-Off Lights: 12 feet

b. Cut-Off Lights: 25 feet

8. Hours of Illumination. Public and institutional uses, commercial uses, and industrial uses (heavy and light) shall turn off all exterior lighting within 1 hour after closing, except for lighting necessary for security or emergency purposes.

9. Parking Lot Lighting. Parking lots and vehicular use areas shall be lit for efficient use during hours of darkness. Specifically, lighting will not illuminate, nor cast glare into neighboring properties nor in the eyes of motorists. Lighting fixtures shall be part of the overall project design and contribute to the landscaping effect both in daylight and dark.

10. Landscape and Decorative Lighting. Landscape and decorative lighting, of 600 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light spillage.

11. Maximum Illumination. The maximum allowable light trespass permitted onto a residential property shall be 0.3 Footcandles as measured at the property line. Minimum lighting for streets shall be based on County or SCDOT regulations or best practices.

12. Security Lighting

a. Motion-activated security lights. Unshielded flood and spotlights, with 675 lumens 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 spillage.

b. Floodlights. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 15 feet beyond the property line.

c. Lights with Photosensors. 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.

13. Prohibited Lighting

The following types of lighting are prohibited:

a. Lasers. Laser source light or any similar high-intensity light for outdoor advertising or entertainment that is projected above the horizontal.

b. Searchlights. The operation of searchlights for advertising purposes.

c. Flashing Lights. Flickering or flashing lights.

AN ORDINANCE

TO AMEND SECTION 19-6.2, LANDSCAPING, BUFFERING, AND SCREENING, AND TO REPEAL AND REPLACE SECTION 19-6.3, TREE INVENTORY, PROTECTION AND REPLACEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY THE LANDSCAPE, BUFFERING, AND SCREENING, AND TREE PROTECTION REGULATIONS (Z-14-2020)

WHEREAS, the city of Greenville desires to modify the landscape, buffering, and screening, and tree protection regulations for the purposes set forth in Section 19-6.2.1(A) of Exhibit A and in Section 19-6.3.1(A) of Exhibit B which said purposes are incorporated herein as if set forth verbatim; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on December 17, 2020, to consider the proposed text amendments, and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed text amendments with two amendments to Section 19-6.2.2 (B) (3), Low-volume species recommendation (said amendment was approved unanimously), and Section 19-6.3.1 (C) (8), Exemption for minor subdivision in R-6 and R-9 (said amendment was approved by a vote of 4-3); and

WHEREAS, at first reading, City Council made minor modifications to the text for purposes of clarification and eliminated the exemption for new residential lots created by in-fill subdivision—all as reflected in the attached exhibits in a double strike-through and double underline format; and

WHEREAS, City Council finds the text amendments, as modified at first reading, to be compatible with the City's Comprehensive Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 19-6.2, Landscaping, buffering, and screening, is amended as set forth in Exhibit A and Section 19-6.3, Tree Inventory, Protection and Replacement, is repealed in its entirety and replaced with Exhibit B in the City of Greenville Code of Ordinances. Both Exhibits are attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE 25 DAY OF JANUARY, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-6.2. - Landscaping, buffering, and screening.

19-6.2.1. *General.*

(A) *Purpose and intent.* The purpose of landscaping, buffering, and screening requirements is to provide an aesthetically pleasing environment for property owners and residents of the city and other members of the public. The requirements are intended to maintain and enhance property values, enhance the appearance of all developments, provide adequate buffers between different land uses, improve the character, appearance, and micro-climate of the city, improve heat and noise abatement, and reduce erosion and stormwater runoff.

(B) *Applicability.* These regulations shall apply on a citywide basis for the following proposed development plans:

(1) Subdivision, construction, or reconstruction of all residential and nonresidential developments.

(2) Construction of a parking structure or a vehicular use area.

(3) Expansion, paving, or repaving of a nonconforming parking lot pursuant to the provisions of section 19-9.6, nonconforming parking lots.

(4) Demolition of a structure within the C-4 district resulting in a vacant lot.

(5) Change of use.

(a) If a change of use constitutes less than 25 percent of the floor area of a structure or lot accommodating one or more uses (within a five-year period), the property shall comply with the provisions of this section and all other applicable city, state and federal regulations to the greatest extent practicable, as determined by the administrator, provided the new use fully complies with the requirements of subsection 19-6.2.3, buffering and screening requirements, and subsection 19-6.2.5, additional screening requirements.

(b) If a change of use constitutes 25 percent or more but less than 50 percent of the floor area of a structure or lot accommodating one or more uses (within a five-year period), the property shall comply with the provisions of this section and all other applicable city, state and federal regulations, to the greatest extent practicable, as determined by the administrator, provided the new use fully complies with the requirements of subsection 19-6.2.2, street trees; subsection 19-6.2.3, buffering and screening requirements, and subsection 19-6.2.5, additional screening requirements.

(c) If a change of use constitutes 50 percent or more of the floor area of a structure or lot accommodating one or more uses (within a five-year period), the property shall comply with the provisions of this section and all other applicable city, state and federal regulations, to the greatest extent practicable, as determined by the administrator, provided the new use fully complies with the requirements of subsection 19-6.2.2, street trees; subsection 19-6.2.3, buffering and screening requirements, 50 percent of the planting rate established in subsection 19-6.2.2(D)(4), interior parking lot landscaping, 50 percent of the perimeter buffer yard requirements established in subsection 19-6.2.4, street buffer yards, and subsection 19-6.2.5, additional screening requirements.

(C) *Exemptions.* These regulations shall not apply to the construction or renovation of a single-family detached dwelling on an existing lot of record

(D) *Landscape plan required.* A landscape plan shall be submitted as part of a site plan permit application for all developments listed in subsection 19-6.2.1(B). The landscape plan shall meet the requirements listed in the administrative manual.

(E) Installation of Plant Material. Plant material must be installed according to American National Standards Institute (ANSI) A300 standards. This includes removal of straps, burlap wraps, cutting of wire baskets, and proper mulch techniques. Plant material will be inspected prior to the issuance of a Certificate of Occupancy and the permit will be held if it is determined that trees and/or shrubs are not installed correctly. Installation details that are consistent with ANSI A300 standards must be provided on all landscape plans submitted for review.

(F) *Maintenance.* The owner of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material for the duration of the premises.

(1) All landscape material, maintenance, and management shall conform to the minimum standards of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.

(2) Landscaped areas shall be maintained in good condition and kept free of dead plants, weeds, or debris. Failure to maintain or replace dead, damaged or diseased plant material or to repair a broken wall or fence within 30 days of notification shall constitute a violation of this section. If a catastrophic event occurs which destroys a large quantity of vegetation, the owner or lessee shall replant within a reasonable time period determined by the administrator, normally during the next planting season, which is November through March. Replaced plant material must be in compliance with the minimum size, spacing, and quantity standards of this section.

(3) Mulch should be installed and maintained according to the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. The tree's root flare should always be visible with correct mulching techniques. Over-mulching, 'volcano' mulching, and / or covering the base of the tree with mulch is not acceptable and will be considered a violation of this ordinance.

(4) Trees may ~~not be severely trimmed beyond~~ only be pruned according to the standards of ANSI A300 Standards for Tree Care Operations. If aggressive trimming occurs, the property will be considered nonconforming and required to replace the trees with trees meeting the minimum size, spacing, and quantity standards of this section.

(5) Buffer and screening material shall be maintained to meet the minimum size, spacing, and quantity standards of table 19-6.2-1.

(G) *Species variety.*

(1) Landscape plan species variety shall be in proportion to the number of trees and shrubs planted. The following minimum quantities shall be in the form of genus diversity:

Required Number of Trees	Minimum Species
1—5	1
6—10	2
11—20	3
21+	4
Required Number of Shrubs	Minimum Species

1-10	1
11-30	2
31-50	3
51+	4

(2) Shrubs required to meet the requirements of this ordinance should be diverse in selection and utilize a variety of species. A monoculture of shrubs is not permitted on development plans subject to the conditions of Section 19-6.2. A mix of ~~native~~ evergreen and deciduous shrubs is recommended and all shrubs should be adapted to Greenville's climate zone. A minimum of 50% of all shrubs shall be considered native.

(3) In the case of unusual site limitations, an exception may be requested and a different mix and number of species may be proposed for review and approval. A description of the unusual site limitations and the reasons for the proposed actions must accompany the request upon submittal of the site plan.

19-6.2.2. *Landscaping requirements.*

(A) *General.*

(1) All planting areas shall be protected from vehicle damage by the installation of curbing or other methods approved by the administrator. Alternative barrier designs which provide improved infiltration or storage of stormwater are strongly encouraged.

(2) The plant materials used in and around parking lots and adjacent to street rights-of-way and pedestrian ways shall be designed to ensure visibility at intersections and safety of pedestrians.

(3) All planting areas shall be stabilized with ground covers, mulches, or other approved materials to prevent soil erosion and to allow rainwater infiltration. Rubber mulch is not acceptable. Mulch shall be applied according to guidelines in Section 19-6.2.1 (F)(3), to encourage healthy plant and tree growth.

(4) All plant and other materials used to comply with this section shall be placed in such a manner as to ensure maintenance access, to maintain unobstructed sight distances, to avoid encroachment on neighboring property, and shall be a species suitable for proposed location, including conflicts with all utility easements and rights-of-way.

(5) Any shrub used to comply with a six-foot-tall screening requirement shall be evergreen, and at least four feet in height at the time of planting. Exception: Shrubs used to screen non-single-family uses proposed for the C-3, S-1, and RDV districts shall be six feet tall at the time of planting. Cultivars of evergreen shrubs that do not increase in spread size and provide a full natural screen at maturity shall not be used to meet screening requirements.

(6) Plant height refers to the height of plants measured from the top of the root flare, and does not include the root ball or the plant's container.

(7) A naturalized dispersion and spacing of any required trees and shrubs throughout the site is encouraged.

~~(7) The entire planting area must be scarified and contain amended on-site soil or a soil mix to a depth of 18 inches.~~

(8) Irrigation:

(a) *New installation.* ~~From and after January 1, 2011, r~~ Rain sensors or clocks that receive local weather data shall be required on all automatic irrigation systems that will receive city water. Systems shall be designed, installed, and adjusted to not allow overhead irrigation to fall on non-permeable surfaces.

(b) *Required maintenance.* All rain sensors shall be adjusted and set so that they automatically shut off the irrigation system after more than one-fourth inch of rainfall has occurred. All rain sensors shall be installed according to manufacturer's instructions in a location that will provide full exposure to rainfall such that accuracy of operation is ensured and shall be maintained in good working condition. No person shall, with the intent of circumventing the purpose of this section, adjust either the rain sensor or irrigation system so that the rain sensor is not able to override and turn off the irrigation system after one-fourth inch of rain has fallen.

(B) *Minimum planting size/height requirements.* All landscape planting materials shall conform to the minimum size or height standards in table 19-6.2-1 at the time of planting as well as meet the standards of ANSI Z60.1 American Standard for Nursery Stock.

(1) For newly planted trees the caliper measurement of the trunk shall be taken six inches above the top of the root flare up to and including four-inch caliper size. If the caliper at six inches above the top of the root flare exceeds four inches, the caliper should be measured at 12 inches above the top of the root flare.

(2) For existing trees, the diameter measurement of the trunk shall be taken at DBH (diameter at breast height) 4.5 feet above the average ground level.

(3) It is recommended that trees in planting areas less than 135 square feet be of a species known to thrive in low soil volume areas.

Table 19-6.2-1: Minimum Planting Size/Height Requirements/Spacing

Type of Planting Material	Minimum Size/Height/Spacing
Shade trees	3-inch caliper~~14 foot height, 6-foot clear trunk~~, 12-foot height
Ornamental and understory street trees	2-inch caliper, 10-foot height, 5-foot clear trunk
Multi-stemmed street trees	~~2-inch caliper, 3 canes minimum~~ 5 canes maximum, 10-foot height, ~~5 feet clear trunk~~
Evergreen buffer vegetation	4 ~~6~~-foot height at planting, plant spacing 5 feet on-center, 10' maximum mature width, 6' minimum mature height
Evergreen shrubs	18-inch height
Deciduous shrubs	24-inch height
Additional screening requirement	48-inch height, evergreen, plant spacing 4 feet on-center

(C) *Street trees.* Street trees shall be provided and maintained within, or adjacent to, all existing and proposed public street rights-of-way in accordance with the following requirements:

(1) Street trees shall ~~include only those trees listed in the approved list of tree species unless use of an alternative species is~~ be approved by the administrator based on the location and use of the space.

(2) Street trees shall be located in an area no further than ten feet from the existing or proposed street right-of-way line.

(3) Street trees shall be planted at a spacing of 40 feet on-center for shade trees or 20 feet on-center for ornamental and understory trees along the entire length of the street frontage of the proposed development or as approved by the administrator based on the development plans. Ornamental and understory trees shall be used as street trees only when there is an overhead obstacle which would preclude the use of taller-growing shade trees. ~~A list of acceptable street trees is available in the administrative manual.~~

(4) Preserved existing trees of a three-inch DBH or greater may be used to satisfy the street tree requirement. Preserved existing trees shall meet all the requirements outlined in section 19-6.3., *tree protection*, be of an acceptable species, ~~table C [in the administrative manual (see subsection 19-6.2.3(c)(1)],~~ and alive and healthy at the time of final inspection. Tree species listed in Table A of Appendix E of the administrative manual are unacceptable for preservation.

(5) Trees used to comply with street tree requirements shall not count toward the minimum number of trees required to meet interior parking lot landscaping.

(D) *Interior parking lot landscaping.*

(1) In addition to all other landscape requirements, all parking lots subject to this section 19-6.2 shall provide and maintain landscaped planting areas within the interior of the parking lot. These standards shall not apply to parking structures. Each planting area shall consist of at least ~~180~~ 135 square feet, or as approved by the administrator.

(2) In cases where the area required for the construction of the minimum parking spaces as required by section 19-6.1, off-street parking requirements, would cause the removal of a ~~historic or~~ heritage tree, the administrator may modify the landscaping requirements and/or the parking requirements in order to preserve the affected ~~historic or~~ heritage tree.

(3) Interior planting areas shall be designed within parking areas as:

(a) Islands located at the end of parking bays;

(b) Islands located between parallel rows of cars, used to visually separate parking areas into pods;

(c) Driveway medians, which shall have a minimum width of six feet.

(4) Each interior planting area shall contain non-columnar approved shade trees and be planted at the following rates:

(a) One shade tree and eight shrubs for every 2,000 square feet, or portion thereof, of the total parking lot area, including drives and service areas.

(b) Not more than ten continuous parking spaces shall be allowed in a row of parking without separation by a ~~180~~ 135-square foot median containing at least one shade tree.

(5) Each parking space must be located within 60 feet of a tree measured from the closest point of the parking space to the tree trunk.

(6) Shade trees are not to be located any closer than ~~25~~ 15 feet apart measured from trunk to trunk.

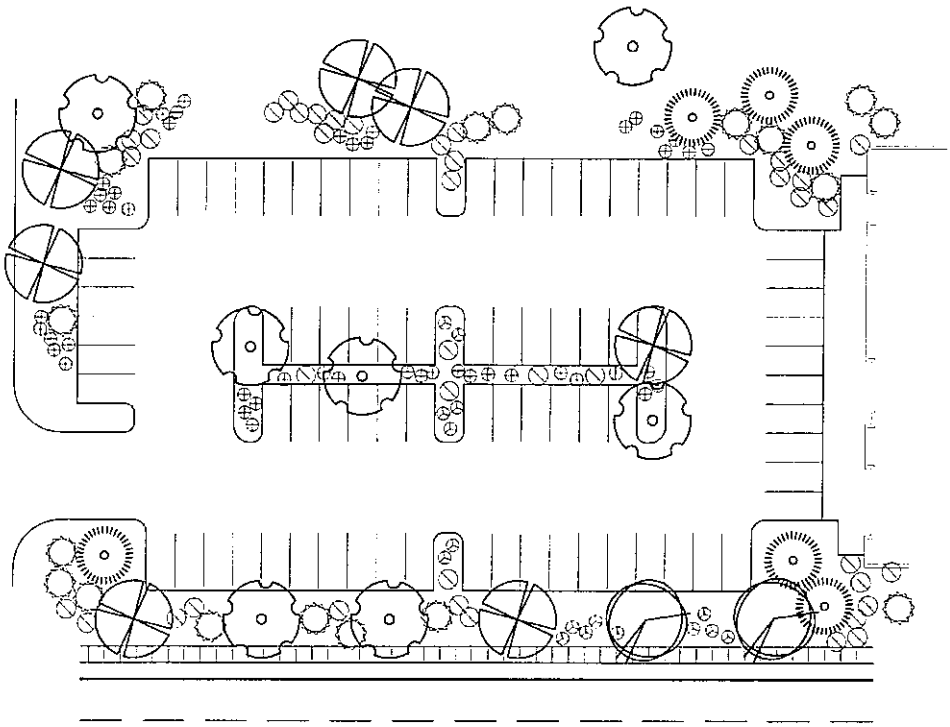
(7) Proposed shade trees being used to meet the interior parking lot landscaping requirements shall be located no further than ten feet and no closer than four feet from the edge of pavement.

(8) Existing shade trees may be used to meet the interior parking lot landscaping requirements at the discretion of the administrator if the trees meet the intent of the interior parking lot landscaping requirements and the tree protection requirements.

(9) Trees used to comply with interior parking lot requirements shall not count toward the number of trees required to meet the street tree requirements.

(10) No more than 25 percent of required shrubs may be deciduous.

(11) Bioswales, rain gardens, and other forms of low impact development (LID) located within parking lot islands are encouraged to help mitigate stormwater runoff. These applications should follow best management practices for landscape design and planting.



Example of Interior Parking Lot Lansdscape 19-6.2.1 (D): A naturalized dispersion and spacing of trees and shrubs throughout the site is encouraged. No parking lot trees shall be columnar in form. Street trees are to be 40' o.c. if canopy; or 20' o.c. if ornamental below a power line. Tree and shrub types are required to have a minimum number of different species per 19-6.2.1 (G). No parking stall shall be farther away from a tree by more than 60'. No bay of parking stalls shall be greater than ten spaces without a planter bumpout. Parking median islands are to be minimum 6' width.

19-6.2.3. *Buffering and screening requirements.*

(A) *Purpose.* Buffer yards and screening are required in order to reduce the impact of a use of land on adjacent uses that are of a significantly different character, density, or intensity. Except as may be provided in other sections of this chapter, the width of the buffer yard shall be the same as the setback requirement in the applicable zoning district and all screening materials shall be located within the required yard. A buffer yard may only be occupied by permitted landscaping and screening materials, underground utilities, and stormwater

retention areas. Buffer yards and screening shall be required in addition to any other landscaping requirement listed in this section.

(B) *Applicability.* Buffer yards and screening shall be installed and maintained by the developer of:

(1) A nonresidential or multifamily residential development adjoining either:

(a) A residential use located in a residential zoning district; or

(b) A vacant lot in a residential zoning district.

(2) A parking structure containing ground level parking with the exception of structures having other permitted uses, fences, walls, or similar structures located between the parking structure and adjacent uses.

(C) *Permitted screening materials.* The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if approved by the administrator.

(1) Evergreen buffer vegetation that is approved by the administrator ~~listed on the acceptable evergreen screen/buffer tree species list, table E in the administrative manual,~~ and meets the minimum planting height and spacing requirements of table 19-6.2-1.

(2) An earth berm may be used to achieve a portion of the minimum required six-foot height. Berms shall be covered with grass or mulch and shall be planted with other landscaping materials designed to meet the requirements of subsection 19-6.2.2(A) and (B). The slope of the berm shall not exceed the ratio of 3:1.

(3) An opaque fence or wall ~~solid wood fence~~ measuring at least six feet in height, but not more than eight feet in height. If wood is used, only treated or rot resistant wood is acceptable. If masonry is used, walls shall be finished with brick, stone, textured concrete masonry units, or stucco. Chainlink, barbed wire, stock wire, chicken wire, and similar type fences are not permitted.

~~(4) Masonry walls measuring at least six feet in height, but not more than eight feet in height. Walls shall be finished with brick, stone, textured concrete masonry units, or stucco. Natural and painted concrete block walls are not permitted~~

(D) *Screening standard.* With the approval of the administrator, a developer may use any combination of the screening materials referenced in subsection 19-6.2.3(C), provided the screen provides complete opacity pursuant to the requirements of this section.

(E) Multifamily developments abutting detached single-family residential dwellings shall follow the buffer standards in Section 19-6.8.9 (L) (8)

(F) Nonresidential developments abutting detached single-family residential dwellings shall follow the buffer standards in Section 19-6.5.7 (M) (4)

19-6.2.4. *Street buffer yards.* In addition to the requirements of subsection 19-6.2.2, landscaping requirements, and subsection 19-6.2.3, buffering and screening requirements, vacant lots created by building demolition in the C-4 district, parking structures, parking lots, and outdoor display areas shall be buffered from streets and rights-of-way according to the following requirements:

(A) The minimum width for any buffer yard shall be the same as the required district setback. ~~with an average of five feet measured along the property lines at ten foot intervals; provided, however,~~ .Parking structures located in the C-4 district shall be exempt from the buffer yard requirement when utilizing fences, walls, or similar structures located between the ground level parking and the street or right-of-way.

(B) All areas used for required buffer yards shall be located on the property. In unusual or extraordinary circumstances, as determined by the administrator, the public right-of-way may be used to meet the requirements of this section provided the property owner obtains permission from the owner of the right-of-way. Maintenance of the required perimeter buffer yard shall remain the responsibility of the private property owner and shall be maintained according to the minimum standards of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.

(C) A property shall have a continuous evergreen landscape buffer along the entire street frontage of the lot, excluding driveways. The landscape buffer must not interfere with any adjacent sidewalks and/or roadways located within the right of way. Plant material must meet the minimum planting height listed in table 19-6.2-1.

(D) Vacant lots resulting from the demolition of buildings within the C-4 district and have not produced, within 180 days after demolition, plans for development, ~~and have no immediate plans for redevelopment,~~ shall provide plantings consistent with the provisions of the following:

(a) Provide required street trees (subsection 19-6.2.2).

(b) Provide continuous ~~evergreen buffer~~ screening (subsection 19-6.2.3(C)).

19-6.2.5. *Additional screening requirements.* In addition to the landscaping and screening required in this section, evergreen screening shall be required to conceal specific areas of high visual impact or hazardous areas. Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Plant material must meet the minimum planting heights listed on table 19-6.2-1 and shall be installed around the following areas:

(A) Loading and service areas.

(B) Refuse collection points/recycling drop-off centers.

(C) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached dwellings, unless that equipment is visible from the public right-of-way).

(D) Outdoor electrical or other aboveground utility equipment.

(E) Outdoor storage lots.

(F) Storage tanks.

(G) Communication towers and associated equipment structures.

Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street.

19-6.2.6. *Alternative landscape plan.* At the discretion of the administrator, alternate landscaping plans, plant material, planting methods, or landscape design may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation, or where a more creative plan is proposed which substantially complies with the intent of these requirements. ~~Landscaping requirements may be reduced if existing trees or other types of existing vegetation are preserved. Alternative plans, materials, or methods may be justified from natural conditions such as streams, natural rock formations, topography, and other physical conditions related to the site. Lot configuration and the presence and location of utility easements may justify an alternative landscaping plan.~~

(Code 1997, § 19-6.2; Ord. No. 2007-52, § 19-6.2, 7-9-2007; Ord. No. 2009-22, § 3(exh. C), 3-23-2009; Ord. No. 2009-64, § 2(exh. B), 8-3-2009; Ord. No. 2011-18, 1-24-2011; Ord. No. 2012-23, § 3, 4-9-2012; Ord. No. 2015-05 , exh.(19-6.1.3), 1-26-2015; Ord. No. 2015-24 , exh., 3-23-2015)

EXHIBIT B

19-6.3 Tree Protection and Replacement

19-6.3.1 General

(A) *Purpose.* The purpose and intent of subsection 19-6.3 is to protect existing tree cover; facilitate the incremental growth of the city's tree canopy; enhance and preserve the environmental and aesthetic qualities of the city; encourage site design techniques that preserve the natural environment and enhance the developed environment; control erosion, slippage, and sediment runoff into streams and waterways; increase slope stability; improve air quality; protect wildlife habitat and migration corridors; and reduce homeowner energy costs.

(B) *Applicability.* Except as stated herein, the requirements of this section shall apply to all land-disturbing activities that require permit for existing and new development.

(C) *Exemptions*. The following developments and activities shall be exempt from this section except where otherwise noted below:

(1) Residential property consisting of an existing single-family home provided the owner acquires title to said developed lot on or before June 30, 2021 (for purposes of this ordinance, inter-spousal or inter-family transfers of interest, whether by operation law, deed or the creation of a trust does not constitute acquisition of title);

(2) The removal of diseased, dead or naturally fallen trees, or trees that are found by the administrator to be a threat to the public health, safety, or welfare;

(3) The selective and limited removal of vegetation or trees under ten inches diameter at breast height necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work;

(4) The selective and limited clearing of utility easements to maintain their intended function; and

(5) The removal of trees or vegetation on land zoned or lawfully used for:

i. Stand-alone commercial garden centers, greenhouses, or nurseries; or

ii. Agricultural and forestry activities, including tree farms and approved forestry management practices, except that if a site is substantially cleared of trees pursuant to legitimate agricultural or forestry activities, no development applications shall be accepted for 36 months from the date the clearing is completed. It shall be the burden of the property owner to prove that any timber harvesting or land clearing is conducted as a commercial timber operation. A forestry plan shall be submitted that demonstrates that the intended forestry activities will contribute to the long-term production of marketable forest products and ensure the continued existence of forests through regeneration. Conducting a

timber sale as the sole timber management activity does not constitute a "commercial timber operation."

(6) Residential property consisting of an existing single-family home where the owner acquires title on or after July 1, 2021, except for the Heritage Tree protections provided for below in Section 6.3.2 (H) which shall apply to said property (for purposes of this ordinance, inter-spousal or inter-family transfers of interest, whether by operation law, deed or the creation of a trust does not constitute acquisition of title).

(7) Tree clearing or cutting performed in order to comply with aeronautic safety requirements mandated by federal or State law or regulation.

~~(8) A residential lot created by minor subdivision where the underlying zoning designation is R-6 or R-9.~~

(D) *Definitions:*

For purposes of this Section 19-6.3, the following definitions shall apply; in the event of a conflict with those definitions set forth in Section 19-1.11, the definitions set forth below shall control:

(1) Administrator means the department director who is the final authority for the application and interpretations of the ordinance.

(2) Arborist means any person certified by the International Society of Arboriculture (ISA) as an arborist and a member in good standing with the ISA.

(3) Boundary tree means a tree on adjacent property whose critical root zone intrudes across the property line of the site under consideration.

(4) Buildable area means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required.

(5) Caliper means the diameter of a sapling to be planted measured six inches above the top of the root flare up to and including four-inch caliper size. If the caliper at six inches above the top of the root flare exceeds four inches, the caliper should be measured at 12 inches above the top of the root flare.

(6) Construction means any new construction, renovation, expansion, clearing or other activity that requires a site permit or impacts the site's ability to support a tree canopy.

(7) Cover area means that area which falls within the drip line of any tree.

(8) Critical root zone means is represented by a concentric circle centering on the tree trunk with a radius equal in feet to one times the number of inches of the trunk diameter: (CRZ in ft = 1 x diameter inches)

(9) Destroy means any intentional or negligent act or lack of protection that is likely to cause a tree to die within a period of five years.

(10) Diameter at Breast Height (DBH) means the diameter of a tree measured at 4.5 feet above the ground.

(11) Heritage Tree (See section 19-6.3.2 (H)).

(12) Impacted tree means a tree that will suffer injury or destruction of 20 to 33 percent of its critical root zone.

(13) Invasive plant means any plant that has been introduced to the region and has been shown to disrupt ecosystem processes. Reference lists for plants invasive in the Greenville area are available in Appendix E of the Administrative Manual.

(14) Land-disturbing activities means any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

(15) Native or naturalized plant means any plant that was in existence in this region prior to European settlement or has since become thoroughly established without disrupting ecosystem processes.

(16) Overstory/Canopy tree means a tree that normally attains a DBH in excess of 25 inches and a height in excess of 45 feet at maturity.

(17) Pruning means the definition of the term as set forth in both the most recent International Society of Arboricultural pruning standards and guidelines and American National Safety Institute 300.33. At no time shall trimming, topping, tipping or flush cutting of trees be deemed a form of "pruning."

(18) Saved tree means any healthy tree that is to be protected and not destroyed or injured during construction as required by this article.

(19) Tree inventory means a survey provided by a certified arborist or licensed landscape architect, and a licensed surveyor that shows the location, species, and DBH of all trees greater than 3 inches DBH on site to be saved; and all trees on site greater than 6 inches to be destroyed, or impacted.

(20) Tree protection plan means a document showing a visual plan for all existing trees that are to be saved and protected, and showing new trees required to meet replacement quantities.

(21) Understory/Ornamental tree means a tree that normally attains a DBH of less than ten inches and a height of less than 45 feet at maturity.

19-6.3.2 Tree Protection and Replacement

(A) *Tree inventory*: The tree inventory and protection plan shall be submitted as part of a site plan permit application for any land disturbing permit activity, and all developments listed in subsection 19-6.3.1(B).

(1) A legible tree inventory shall be submitted as part of an application for any land disturbing permit or activity, including storage or staging of equipment. The inventory shall show all trees greater than six inches DBH to be removed (or for residential property consisting of an existing single-family home where title to such property is acquired on or after July 1, 2021, trees that meet the heritage tree definition), and any tree three inches DBH or greater to be retained. Trees shall be clearly identified as either to be removed or retained. The inventory shall be in a form approved by the administrator and contain the information as required in Appendix E of the Administrative Manual.

(a) The tree inventory shall include any boundary trees, i.e. trees on neighboring properties, which may experience any land disturbance, including storage of equipment or other material, within their critical root zone.

(b) Invasive tree and prohibited tree species as defined in Appendix E of the Administrative Manual and all *pinus* species are exempt from tree protection requirements.

(c) Encroachment within the critical root zone of trees located on adjacent properties is not allowed without written approval from that adjacent property's owner. If the limits of disturbance or land disturbance activity may reasonably be expected to occur within the critical root zone of trees located on adjacent properties, a letter from the tree's owner may be provided in lieu of tree protection for the tree. The letter must clearly state that the tree's owner is aware of the risk to the tree, that the land disturbing activity may result in the immediate or long-term death or demise of the tree, and that the City shall not be responsible for any damage or removal of the tree or its parts. The letter must be signed by the adjacent property owner and included with the landscape plan.

(B) *Tree Removal and Replacement:* Development or activity that results in the removal or injury of trees six inches or greater in DBH (or for residential property consisting of an existing single-family home, trees that meet the heritage tree definition), that are not recognized invasive species as defined in Appendix E of the Administrative Manual, shall provide replacement or mitigation equal to or greater than the cumulative DBH of the trees removed and/or injured.

(1) Trees required to meet landscape requirements, such as those specified in 19-6.2, may be used to meet tree replacement requirements.

(2) Tree loss mitigation may be provided by retaining existing trees on site which meet the following criteria:

(a) Trees are between 3 inches and 6 inches DBH;

(b) Trees are in good health and are free of damage or disease, as verified by a certified arborist; and

(c) Trees are not a recognized invasive or prohibited species as defined in Appendix E in Administrative Manual, or of the *pinus* species.

(3) Where appropriate site conditions exist as determined by the administrator, replacement trees shall be canopy trees. Tree spacing shall be minimum 15 feet for canopy trees, 10 feet for understory trees. Replacement trees should be distributed and spaced with a naturalized pattern.

(4) In cases where tree mitigation is required but planting is not preferred by the applicant, the administrator shall approve a fee-in-lieu-of mitigation via a payment to the city's Tree Fund. Fees shall be based on market rates and updated periodically in Appendix E in Administrative Manual. Fee-in-lieu-of mitigation fees shall be capped at $25,000 per acre, to be adjusted upward or downward on a pro rata basis based upon the size of the parcel. By way of example, the fee-in-lieu would be capped at $12,500 for a one-half acre parcel and capped at $37,500 for a one and one-half acre parcel. The Tree Fund shall be managed by the City and shall be used solely for the purposes of:

(a) Tree purchase and installation of new trees;

(b) Maintenance of existing tree canopy on public property and rights-of-way;

(c) Purchase of real property for the purposes of tree plantings; or

(d) Administration of the above.

(C) *Tree density minimum.* All properties subject to this subsection 19-6.3 shall provide and maintain at minimum one tree per 2,000 square feet minus building footprints and the area of athletic fields and courts.

(D) *Tree Protection Plan:* A landscape plan shall be submitted for all existing trees that are to be saved and protected, and showing new trees required to meet landscape standards and replacement quantities.

(1) A tree credit table shall be included in the tree protection plan, shall conform to the table standards as shown in Appendix E in Administrative Manual, and shall summarize:

(a) Acreage of site excluding building footprint, athletic fields, and courts;

(b) Square-footage of parking lot;

(c) Trees planted to meet all landscape requirements, including parking, screening, street trees, and tree density minimum;

(d) Cumulative DBH of trees greater than 6 inches to be removed;

(e) Cumulative DBH of trees between 3 inches and 6 inches to be saved and used as mitigation for removal of trees greater than 6 inches;

(f) Cumulative DBH of trees greater than 6 inches to be saved;

(g) Total DBH to be mitigated;

(h) Trees to be planted for 1:1 mitigation, and/or fee-in-lieu-of option total; and

(i) Heritage trees being removed.

(E) *Tree Planting Standards.* The form, size, quality, and proportions of proposed trees must meet the guidelines outlined in the ANSI Z60.1 American Standard for Nursery Stock. Installation and maintenance must meet ANSI A300 Standards. Existing trees on a property that are to be protected should be healthy and disease free.

(F) *Tree Protection During Construction*

(1) Protective fencing is required for any tree to be retained following construction. Protective fencing shall be a minimum of four feet high and of durable construction; such as wood or metal fencing. Protective fencing shall completely encircle the critical root zone of all trees to be preserved. Protective fencing be in place prior to any earth disturbing activity begins and stay in place for the duration of the project. Fencing shall be required around the critical root zone of trees on adjacent properties or trees located in a public right-of-way. At no time shall silt fencing be used to provide tree protection.

(a) Signs shall be installed on the protective fence visible on all sides of the fenced-in area (minimum one on each side and/or every 300 linear feet). The size of each sign must be a minimum of one foot by 1.5 feet and shall contain the following bilingual text in both English and Spanish: "TREE PROTECTION ZONE: KEEP OUT."

(b) Groups of trees may be protected by one perimeter fence meeting the specifications outlined in this section.

(c) No construction, grading, parking, equipment, or material storage, or any other activity, shall be allowed within the fenced area at any time during the project.

(d) Trenching shall not be allowed without administrator's approval. Boring shall be allowed with consultation by an arborist and approval of the administrator.

(e) Where compaction might occur due to traffic or materials through the tree protection zone, the area must first be mulched with a minimum four-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw. Equipment or materials storage shall not be allowed within tree protection areas.

(G) *Inspections and Ongoing Maintenance*

(1) Final landscape inspections will be conducted to ensure plant material is in good condition and planted correctly, as outlined in ANSI A300 and Z60.1.

(2) Trees shown on a permitted landscape plan must be maintained to ANSI A300 standards for the duration of the site.

(3) With approval from the administrator, a project may be granted a temporary CO, or bond their landscape for a limited time, to allow planting to occur in the dormant season of October through March.

(4) Trees not meeting ANSI A300 and ANSI Z60.1 standards at time of right-of-way dedication may be rejected and require replacement prior to accepting the roadway dedication.

(5) Trees located within the public right-of-way or on public land are the responsibility of the city and may not be trimmed or maintained by unauthorized personnel.

(H) *Heritage Tree Protections*

(1) In order to protect significant trees, the city has established the Heritage Tree designation. The purpose of the heritage tree designation is to encourage the early identification of significant trees to be saved, thus resulting in developments that are more responsive to their environments and appear more mature upon completion.

(2) A heritage tree is a tree that is in a healthy and disease-free condition, and is:

(a) 20 inches or greater DBH, located within the setback or buffer area of any property within the city

(b) 40 inches or greater DBH, located anywhere within the city; or

(c) determined to be of cultural importance by the administrator located anywhere within the city. "Cultural importance" for the purposes of this subsection shall mean the historic significance of the tree as it may relate to an event or person.

(3) In addition to the tree mitigation outlined in section 19-6.3.2(B), a heritage tree which is removed shall be assessed with a fee of $45 per caliper inch.

(4) In no case shall the total of fee-in-lieu of mitigation together with heritage tree mitigation be greater than $25,000 per acre or a portion thereof. By way of example, the fee-in-lieu would be capped at $12,500 for a one-half acre parcel and capped at $37,500 for a one and one-half acre parcel.

(5) No construction, grading, equipment, material storage, or any other activity, shall be allowed within the critical root zone of a heritage tree unless the steps taken to adequately ensure the health of the tree are submitted to the planning department in writing.

(6) A *Heritage Tree Disturbance Form* shall be developed by the administrator and shall be submitted for the trimming, pruning, encroachment upon, or removal of any Heritage Tree, which may fall outside of development activities. The form shall be posted online on the city website and be made available upon request by contacting the administrator.

(a) Heritage Trees shall not be cut, removed, pushed over, killed, harmed, trimmed, sprayed, or destroyed without written approval via the Heritage Tree Disturbance Form.

(b) The administrator shall approve Heritage Tree disturbance only upon a finding that the tree is in a dangerous or deteriorating condition and poses a risk to health, safety, or welfare.

(I) *Tree Variance*. If a landowner believes it is not possible to comply with the requirements of subsection 19-6.3.2(B) and/or (H), the landowner may apply for a tree variance from the administrator, which shall be approved only on a finding that the landowner demonstrates all the following standards are met:

(a) *Exceptional conditions*. There are extraordinary and exceptional conditions (e.g., size, shape, topography) relevant to the particular piece of property for which the tree variance is sought which do not generally apply to other properties subject to subsection 19-6.3.

(b) *Not result of action by landowner*. The special circumstances are not the result of actions by the landowner.

(c) *Strict application deprives use*. The application of the requirements of subsection 19-6.3.2(B) and/or (H) would effectively prohibit or unreasonably restrict the utilization of the property.

(d) *Minimum variance*. The approval of the tree variance is the minimum action that will make possible the reasonable use of the land that is not contrary to the public interest and that will carry out the purpose and intent of subsection 19-6.3.

(e) *Not detrimental*. The approval of the tree variance will not result in substantial detriment to adjacent property or to the public good.

(f) *Consistent with the intent of subsection 19-6.3*. The tree variance is consistent with the purpose and intent of the provisions of subsection 19-6.3, particularly subsection 19-6.3.2(B) and/or (H), as applicable.

The fact that the subject property could be utilized more profitably if a tree variance permit were granted does not constitute grounds for a tree variance. Appeals from the decision of the administrator may be taken to the Planning Commission in accordance with Section 19-2.1.2(A)(8) and Section 19-2.3.16(A)(1).

(J) *Mandatory Review*. As the purpose and intent of this ordinance is to protect existing tree cover and facilitate the incremental growth of the city's tree canopy, The Planning Commission shall review this ordinance every two years from the date of its passage to determine if its purpose is being effectively met and the Planning Commission shall recommend any changes that it deems necessary or appropriate.