

ARTICLE 10: BUFFERS, LANDSCAPING, AND TREE PROTECTION

Section 10.10 Purpose and Objectives

It is the intent of this Article to establish minimum landscape development requirements in both publicly and privately owned developed areas; to ensure that an appropriate population of trees is provided and preserved within the Town; to require the installation and maintenance of landscape areas in off-street parking facilities; and to require the installation and maintenance of landscaped buffer areas between non-complementary land uses. It is intended that the implementation and enforcement of this Section achieve the following objectives:

- (a) Contribute to an urban environment which is in ecological harmony with the surrounding natural and agricultural environments.
- (b) Aid in stabilizing the ecological balance by contributing to the processes of ground water recharge, and storm water runoff retardation, while at the same time aiding in the abatement of noise, glare, heat, air pollution and dust.
- (c) Assist in controlling vehicular and pedestrian traffic to and from, as well as within, off-street parking facilities and other vehicular use areas if utilized as an integral site design element to:
- (d) Clearly delineate and buffer the bounds of abutting vehicular use areas, particularly public right-of-way, so that distractions of movements, noise and glare from one area do not adversely affect the activity in another area;
- (e) Limit physical site access to established points of ingress and egress;
- (f) Limit the internal movement of vehicles and pedestrians to designated traffic configurations;
- (g) Promote energy conservation by maximizing the cooling and shading effects of trees;
- (h) Buffer non-complementary and incompatible land uses by providing a transitional interface; and
- (i) Enhance and encourage the preservation and reconstruction of the natural environment.

Section 10.20 Definitions

For the purpose of the administration and enforcement of this Article and unless otherwise stated in this Article, the following words shall have a meaning as indicated herein.

- (a) **Accessway.** A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area.
- (b) **Crown.** The main mass of branching of a plant above ground.
- (c) **Crown Spread.** The branching distance measured across the greatest diameter of a crown.
- (d) **Developed Area.** The area within an imaginary line formed by the outer perimeter of all structures, parking lots, and other paving and manmade alterations, except for sidewalks in public rights-of-way and driveways.
- (e) **Drip Line.** The outer perimeter of the crown of a plant as projected vertically to the ground.
- (f) **Ground Cover.** Grasses or other low growing plants planted in such a manner as to form a continuous cover over the ground to keep soil from being blown or washed away.
- (g) **Landscape Area.** An unenclosed area of land in which landscape materials are placed, planted and maintained.
- (h) **Landscape Materials.** Living trees, shrubs, vines, grasses, ground covers, and other plants, pine straw, rocks, pebbles, sand, wood mulch, walls and fences, and other non-living, durable materials commonly used in landscaping; landscape water features; and similar materials and design features; provided, that visible, synthetic materials shall not qualify.
- (i) **Parking Space.** A ground surface area, intended for the parking or storage of an automobile.
- (j) **Paved Area.** An area consisting of asphaltic concrete, concrete, brick, or similar material that is intended or designated for parking, maneuvering and/or vehicular movement; and including pedestrian accessways immediately adjacent to such areas.
- (k) **Shrub.** A woody plant, smaller than a tree, consisting of multiple stems originating from or near the ground that usually attains a mature height of no more than fifteen (15) feet.

- (l) **Tree.** Any self-supporting woody, or fibrous (e.g. palm) perennial plant of a species which normally grows to an overall height of at least fifteen (15) feet, with an average mature crown spread of at least fifteen (15) feet.

Section 10.30 Buffering of Incompatible Land Uses

Buffers between dissimilar use and dwellings shall be provided as follows:

- (a) Between multi-family and single family dwellings.
- (b) Between multi-family and commercial or public buildings, institutions, recreational (other than golf courses), nursing homes and similar uses.
- (c) Between single-family dwellings and commercial or public buildings, institutions, recreational (other than golf courses), nursing homes and similar uses.
- (d) Between different types of buildings in the same regime or development. (Ordinance 1998-04, 3/24/98)(Ordinance 2004-04, 8/24/04)

§10.30.10 Location of Buffers

As a condition of obtaining any development permit for any of the following land uses, landscape buffer strips where required, shall be located according to the standards provided hereinafter.

§10.30.10.10 Residential use other than single-family homes: along any common boundary with property used as single-family residential.

§10.30.10.20 Office or commercial use: Along any common boundary with property in actual use, as residential property.

§10.30.20 Buffer Requirements

The required buffer shall be a strip of landscape development at least fifty (50) feet in width, which shall be developed with the following:

§10.30.21 Shrubs or hedges to a height of at least six (6) feet.

§10.30.22 At least one (1) shade tree for each fifty (50) linear feet, or part thereof, of the boundary along which the buffer strip is required.

§10.30.33 The minimum size shade tree for purposes of this section shall have a minimum four (4) inch trunk diameter at a point four and one-half (4 1/2) feet above ground level and a minimum crown spread of ten (10) feet.

Section 10.40 Landscape Requirements for Development of Property

Any property shall be designed, constructed and used so as to provide landscaped area on at least forty percent (40%) of commercial use property and at least sixty percent (60%) of residential use property.

§10.40.10 Subdivisions

§10.40.10.10 During the construction of required subdivision improvements, no more than thirty percent (30%) of the tree canopy of the property being subdivided shall be removed. To insure that this limitation is not exceeded, the Planning Commission may require, during the subdivision approval process, that the subdivider provide plans, calculations, aerial photographs, or other data sufficient to allow an accurate determination to be made. (Ordinance 1995-06, 6/8/95)

§10.40.10.20 Subdividers shall be required to provide shade trees, within five (5) feet of the right-of-way of each street constructed within the subdivision.

- (a) One (1) such shade tree shall be planted for every one hundred fifty (150) linear feet of right-of-way.
- (b) Except where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted alternately on either side of the street.
- (c) Such trees shall be no closer together than one hundred twenty (120) feet.

§10.40.20 Site Developments

As a condition of any development order issued for any property requiring site plan approval, there must exist or be planted on said property within one (1) year, a number of shade trees, in accordance with this Article, determined by the ratio of one (1) shade tree for each four thousand (4,000) square feet of gross lot area.

- (a) Newly planted trees shall be located so as to insure that the appropriate proportion of trees is planted within the developed area of the property.
- (b) This requirement shall not be applicable within one thousand (1000) feet of the South Carolina Coastal Council Ocean Critical Line, where palmetto trees will be substituted for shade trees.

Section 10.50 Standards For Installation of Landscape Materials

The quality of all living landscape materials used to comply with the requirements of this Section shall be healthy, disease and pest-free, and hardy for the South Carolina coastal region.

Section 10.60 Specifications for Walls, Fences and Hedges

§10.60.10 Wall or Fence

In the event a wall or fence is used or required, any open spaces or non-solid areas shall be evenly spaced. The wall or fence must be made of stucco, cypress, pressure-treated wood, or similar materials, in accordance with prevailing building industry standards for appearance, soundness, safety and resistance to decay and weather.

§10.60.20 Hedge

Whenever a hedge is used in landscaping buildings other than single-family homes, the hedge shall be installed with plants of sufficient size and spacing as to attain the height required and opacity of at least seventy-five percent (75%) within two (2) years of planting. If a hedge is not in compliance with the above height and opacity requirements within two (2) years after planting, the hedge must be completed with mature plants at developer expense.

Section 10.70 Preservation of Existing Trees

Whenever the terms of this Article require the provision of shade trees on any lot, credit shall be given for the preservation of existing trees which are properly protected during any clearing or construction on the property, and which meet the following criteria:

§10.70.10

Such trees must meet the requirements of this Article for location, spacing and type of tree.

§10.70.20

Any such trees that have a minimum four-inch (4") trunk diameter at a point four and one-half (4-1/2) feet above ground level and a minimum crown spread of ten (10) feet shall provide credit on a one-for-one basis for required trees.

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Credit toward the requirements of this Section shall be given in accordance with the following table on larger trees.

Existing Crown Spread or	Diameter of Tree Trunk Four and one-half (4-1/2) Feet Above Natural Grade	Number of Trees Credited
60-ft or greater	30-35 inches	6
50-59 ft	26-29 inches	5
40-49 ft	20-25 inches	4
30-39 ft	13-19 inches	3
20-29 ft	8-12 inches	2
10-19 ft	4-7 inches	1

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To receive credit for the preservation of an existing tree, the following requirements must be met.

§10.70.41 Fifty percent (50%) of the area within the drip line of the tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots in this area. Within this area, there shall be no storage of fill or compaction of the soil, as from heavy construction equipment or any evidence of concrete, paint, chemicals, or other foreign substances in the soil.

§10.70.42 The tree shall not be damaged from skinning, barking bumping and the like.

§10.70.43 There shall be no evidence of active insect infestation potentially lethal to the trees.

§10.70.44 There shall be no impervious surface or grade change within five (5) feet of the trunk.

§10.70.50

If it is determined by the Zoning Administrator that the requirements of the Sections above have not been complied with, credit for an existing tree may nevertheless be given upon proof from the County Forester, satisfactory to the Zoning Administrator, that such tree is healthy and has not been seriously damaged during development.

§10.70.60

If any tree for which credit was given pursuant to this Ordinance is not alive and healthy one (1) year after all associated construction and development of the property is completed, it shall be removed and replaced with the tree or trees that originally would have been required. This shall be the responsibility of the developer of multi-family areas and the lot owner in single-family areas.

Section 10.80 Permits for Tree Removal

No living tree which is twelve (12) inches or more in diameter at a point four and one-half (4-1/2) feet above ground level may be removed or relocated without a removal permit as provided for hereinafter. Trees that require such permit for removal or relocation shall hereinafter be called "protected" trees.

§10.80.10 Permit Filing

Any person desiring to remove or relocate a protected tree within an area in which there is no duly authorized and approved Architectural Review Board ("ARB") shall file an application for a tree removal permit with the Zoning Administrator.

§10.80.11 If a protected tree is located in an area in which there is a duly authorized and approved ARB, a permit will not be required provided the property owner obtains the approval of the ARB.

§10.80.12 For purposes of this ordinance, the SIPOA ARB is hereby recognized as an approved ARB. (Ordinance 1997-06)

§10.80.20 Removal Proposed on Subdivision or Site Development Plan

When a tree removal or relocation permit is applied for in conjunction with any development requiring approval of a site plan or subdivision plat by the Planning Commission or a designated ARB, such application shall be considered and either approved or denied by the Planning Commission at the same time a site plan or plat is approved, based upon the same standards for approval as specified in §10.80 of this Ordinance.

§10.80.21 All of the required plans, data, or other information required with the application may be included in the proposed subdivision or site development plan or supporting documents. (Ordinance 1995-06, 6/8/95)

§10.80.22 Marking. Trees identified for removal pursuant to an approved site plan shall be marked as specified by the Town's Zoning Administrator. No tree that is not

so approved for removal and marked may be removed, except pursuant to a separate tree removal permit applied for and issued pursuant to this section. (6/10/93)

§10.80.30 Application Submissions

All applications filed with the Town for removal of a protected tree shall include or be accompanied by:

- (a) An overall site plan or proportional sketch of the lot upon which the tree is located, showing the shape and dimensions of the lot, and the location, configuration and size of existing or proposed structures, driveways and other improvements. The plan or sketch shall also identify the location and type of all protected trees and all significant groupings of other trees on the lot, in addition to:
- (b) A designation of any protected trees proposed to be removed or relocated, along with the reasons for such removal or relocation.
- (c) A statement of how any other protected trees are to be protected during any approved tree removal or relocation and any associated construction or clearing.
- (d) A statement identifying any proposed grade changes on the lot and the precautions to be taken to insure that such changes will not adversely affect or endanger any protected trees, which are not to be removed or relocated.

§10.80.40 Permit Approvals

§10.80.40.10 The Zoning Administrator, within five (5) working days of the filing of such applications shall verify the information contained in the application and either approve or deny the application as to each protected tree proposed to be removed or relocated.

§10.80.40.20 There shall be no fee for such permit.

§10.80.40.30 Applications for removal or relocation shall be approved by the Zoning Administrator only as to protected trees that pose a safety hazard; are weakened by disease, age, storm, fire, or other injury; or which prevent the reasonable development of the lot. Protected trees shall not be removed or relocated for the purpose of locating utility lines and connections unless no reasonably practical alternative is available.

§10.80.50 Special Authorization

Regardless of the requirements of this Section, the Town Council may by special permit, authorize the cutting of protected trees for commercial timbering purposes upon such conditions as will insure the preservation or replacement of an adequate tree population.

Section 10.90 Landscaping of Off-Street Parking Facilities

§10.90.10 Parking Lot Perimeters

All paved ground surface areas, except public rights-of-way, designed to be used for vehicle parking and movement of vehicular traffic shall be separated by a strip of landscape area from any public rights-of-way and from any boundary of the property on which the paved ground surface is located.

§10.90.10.10 The purpose of the landscape strip is to screen the paved area from the public rights-of-way and adjoining properties, and to provide shade on the paved area. Accordingly, the landscape strip shall be located within five (5) feet of the paved surface area.

§10.90.10.20 The landscape strip shall be at least five (5) feet in width and shall be developed with the following:

§10.90.10.21 Shrubs or hedges at least two (2) feet in height.

§10.90.10.22 One shade tree for each fifty (50) linear feet, or part thereof, within either the required landscape strip or the landscape areas as provided for below, the distance between such not exceeding fifty-five (55) feet, and not planted at a distance greater than five (5) feet from the paved surface area, except where the Commission, through site plan review, determines that existing trees to be retained on site meet the requirements or intent of this Section.

§10.90.10.30 Protection From Encroachment. Whenever the end of a parking space abuts a required perimeter strip of landscape area, the parking space shall be furnished with curbing or wheel stops, the far side of which shall be at least one (1) foot from the required perimeter strip or landscape area. No tree or shrub more than two (2) feet in height shall be planted within two (2) feet of the edge of the perimeter strip or landscape area.

§10.90.20 Parking Lot Interiors

Each parking area, except properties with less than ten (10) parking spaces, shall also provide interior landscape areas in accordance with the following requirements.

§10.90.20.10 There shall be one interior landscape area for every ten (10) parking spaces. It shall have a minimum size of ninety (90) square feet with a minimum dimension of five (5) feet.

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§10.90.20.20 Each required landscape area shall contain at least one (1) shade tree. It shall be surfaced with grass, ground covers, shrubs, or other plant materials, or with at least two (2) inches of wood chips, bark, or pine straw.

§10.90.20.30 Required landscape areas shall be located and dispersed in accordance with the following limitations:

§10.50.20.31 Rows of parking spaces located adjacent to the perimeter of all paved areas shall contain no more than ten (10) parking spaces uninterrupted by a required landscape area, and no parking space in such a row shall be separated from a required landscape area by more than five (5) parking spaces.

§10.50.20.32 All other rows of parking spaces shall contain no more than fourteen (14) parking spaces uninterrupted by a required landscape area, and no parking space in any such row shall be separated from a required landscape area by more than seven (7) parking spaces.

§10.50.20.33 The Planning Commission, through site plan review, may allow the relocation of such landscape areas to preserve existing trees, or where it is determined upon review that such relocation is necessary in order to provide for the safe maneuvering of vehicles. (Ordinance 1995-06, 6/8/95)

Section 10.100 Severe Site Constraints

In cases where there exists a severe site constraint so that compliance with this Section would directly result in a danger to the public health, welfare and safety, the Planning Commission may waive any or all of the requirements of this Section. For purposes of this section "site constraint" is defined to mean the location, use, and/or existing physical condition or features of the site so that compliance with this Section will be likely to cause environmental pollution, directly conflict with driving regulations, and/or reduce visibility necessary for public safety. (Ordinance 1995-06, 6/8/95)