

ORDINANCE 822

AN ORDINANCE TO AMEND THE MAULDIN ZONING ORDINANCE, ARTICLE 6, SECTION 2, TO PROVIDE FOR NEW LANDSCAPE AND DESIGN STANDARDS FOR DEVELOPMENT AND REDEVELOPMENT ACTIVITY IN THE CITY OF MAULDIN.

WHEREAS, City Council desires to update and amend the Zoning Ordinance, Section 6:2, Landscape and Design Standards to reduce the overall amount of landscaping required for new and existing developments; and modify the thresholds that determine when site compliance is required on existing developed sites; and

WHEREAS, the proposed landscape ordinance offers a more balanced approach to achieving site compliance through new alternative compliance options that allows greater flexibility and staff level reductions on infill and adaptive reuse sites and change of use projects where site compliance is required; and

WHEREAS, the proposed landscape ordinance addresses City Adopted Plans and Goals that are outlined in the 2014 Comprehensive Plan including: Chapter 2 Population: maintaining and improving the quality, condition and appearance of neighborhoods and commercial development in the City; Chapter 4: Natural Resources: improving water quality by reducing sediment and pollutants in urban run-off, preserving historical trees and improving stormwater management; and Chapter 5: Land Use: Minimizing land use conflicts through natural or man-made buffers; and

WHEREAS, the proposed landscape ordinances addresses goals outlined in the City adopted 2015 Hazard Mitigation Plan, Section 4: Hazard Identification and vulnerabilities: increased flooding conditions due to urban run-off from impervious surfaces; and Section 7: Mitigation Action Plan, #37: mitigating stormwater by limiting and reducing impervious surfaces through vegetative buffers and islands in large parking areas; and

WHEREAS, On February 28, 2017, the Mauldin Planning Commission voted unanimously to recommend approval of the ordinance to City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAULDIN, SOUTH CAROLINA:

Section 1. Amendment. Delete the existing landscape ordinance in its entirety and replace with the following:

Sec. 6:2. Landscape and Design Standards.

A) *Purpose and Intent.* Recognizing that trees and landscaping contribute to the public health, safety and welfare, the City of Mauldin has set standards for landscaping in the city. Among the benefits of trees, shrubs, and other plant materials are: improved air quality, beneficial climate modification, reduction of glare, noise, odors and dust; improved water quality and reduction of stormwater runoff and flooding, screening of undesirable views, provision of buffers between incompatible land uses; and providing an aesthetically pleasing environment for property owners, residents, visitors and the general public.

It is the intent of this section to provide appropriate landscape treatments to all development and redevelopment in the City. Recognizing the diverse nature of properties in the City, standards have been created to not only encourage good practice in design, but to also include provisions that allow

creativity and flexibility through alternative methods of compliance to promote orderly development and redevelopment of properties.

B) *Applicability.* The standards contained in this section shall apply to all new development and redevelopment of parcels within the City of Mauldin's zoning jurisdiction, with exception to those uses listed as exempt in Section 6:2(B)3. below. The following types of development shall bring the entire site into full compliance with the requirements set forth in this section.

1. New Development.
 - a) Public and Private Non-residential Development (e.g. Commercial, retail, office, restaurant, service uses, institutional uses, etc.)
 - b) Group Residential Developments (e.g. Multi-family, Townhomes, Condominium)
 - c) New Residential Subdivisions (also subject to the requirements outlined in the Land Development Ordinance)
 - d) Planned Developments and Planned Office Developments (also subject to the requirements outlined in the Land Development Ordinance)
 - e) Parking lots and other vehicular use areas including:
 1. New stand-alone parking lots and/or other vehicular use areas
 2. Existing unpaved parking lots or vehicular use areas that are undergoing paving
2. *Renovations and/or Improvements that exceeds twenty-five (25) percent of the Taxable Market Value as determined by the Greenville County Tax Collector's office.* The value of any expansion, addition, enlargement, or reconstruction of such structures or sites over a three (3) year period occurring under the same ownership and/or developed by the same developer shall be used when calculating the twenty-five (25) percent threshold.
 - a) Building expansions or additions exceeding fifty (50) percent of the pre-expansion floor area.
 - b) Existing unpaved vehicular use areas of which fifty (50) percent or more is paved or existing paved vehicular use areas of which fifty (50) percent or more is demolished and repaved.
3. *Exemptions.* These requirements of this section shall not apply to:
 - a) The construction or renovation of a single-family detached dwelling unit or duplex on an existing lot of record, unless otherwise noted.
 - b) Public and private utilities, except when a zoning permit or subdivision approval is required. Such utilities may include but are not limited to: storm drainage installation, street construction, water and sewer construction; and electric, gas, communications and other similar service installations.
4. Reference made to the Business and Development Services Director is also intended to include an assigned appointee.

C) *General Requirements for submittal of a Landscaping Plan*

- 1) *Review for Compliance.* Review for compliance with the standards of this section shall occur at the time of submittal of a building, zoning or other applicable permit and/or land development application.
- 2) *Landscape Plan Submittal.* Applicants are advised to meet with the Business and Development Services Department staff prior to submitting a site and landscape plan to discuss applicable landscape requirements, other ordinance requirements, and coordination of plantings with utility plans. A landscape plan drawn using an Engineering Scale at a measurement of no less than one (1) inch being equal to fifty (50) feet (1" = 50') must be submitted with the site plan and prepared in accordance with the checklist requirements established by the department.
- 3) *Planting Standards Table.* Plantings shall comply with the minimum planting size, and height requirements in Table A below:

Section 6:2.1(C) – TABLE A: MINIMUM PLANTING STANDARDS		
TYPE OF PLANTING MATERIALS	MINIMUM HEIGHT AT MATURITY	MINIMUM SIZE, AND HEIGHT AT TIME OF PLANTING
<i>Large Maturing Deciduous Canopy Trees</i>	Greater than 35 feet	<i>2" caliper, 12-14 feet in height at time of planting or as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004 as amended.</i>
Large Deciduous Multi-Stemmed Trees	<i>Greater than 35 feet</i>	<i>3 canes minimum, 10 feet in height above ground at the time of planting.</i>
Small Maturing Deciduous or Understory trees	Smaller than 35 feet at maturity	<i>1-1/2" caliper, 8-10 feet in height at time of planting or as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004 as amended.</i>
Evergreen Trees		6 feet in height at the time of planting
Deciduous Shrub		Minimum five gallon container or ten-inch root ball with a height of 24 inches at time of planting.
Evergreen Shrub		Minimum three gallon container or eight-inch root ball with a height of 18 inches at time of planting.
Additional Screening Requirements		48" in height at time of planting, Evergreen, 5 feet on center

- 4) *Calculations.* In cases where the calculation used to determine the amount of vegetation needed for compliance results in a fraction, the minimum number shall be rounded upwards to the next highest whole number. Each standard requirement outlines in Section 6:2.2, *Landscape Requirements* shall be considered cumulative unless otherwise noted.
- 5) *Species Variety.* To prevent the spread of disease or insect infestation in a plant species, new plantings shall be in the form of genus diversity, as required below:

CUMULATIVE NUMBER OF REQUIRED TREES	MINIMUM NUMBER OF SPECIES
1–5	1
6–10	2
11–20	3
21+	4

- 6) All new vegetation to be located within a Riparian Buffer zone of designated Special Flood Hazard Area shall be of an appropriate native species as recommended by a Certified Landscape Architect and as approved by the Business and Development Services Director.

6.2.2 Landscape Requirements.

- A) *Tree Inventory.* Prior to beginning any tree clearing, development work, or land disturbance, the owner of land subject to this section shall prepare and submit an inventory of trees on the parcel, subject to the following requirements:
 1. The inventory shall be prepared at the same scale as the Site and/or Landscape Plan and shall identify any canopy tree two inches (2") or larger in diameter at breast height (DBH).
 2. The survey should depict any individual trees and areas of existing tree canopy that are to be saved in accordance with this section. Known dead or diseased trees shall be identified, where practical. Groups of trees in close proximity (i.e., those within five (5) feet of each other) may be designated as a clump of trees, with the predominant species, estimated number, and average diameter or circumference indicated.
- B) *Minimum Tree Density Canopy Coverage.* All sites within the City shall provide or maintain a tree density canopy as indicated in Section 6:2.3(B)1, Table A, below. The tree density coverage for non-residential developments may be achieved by counting existing trees to be preserved, planting new trees in accordance with the minimum standards or some combination of the two. Residential developments shall be required to preserve existing trees or plant new vegetation to meet the Tree Canopy Density requirement.

Section 6:2.2(B)1

TABLE A: TREE CANOPY DENSITY COVERAGE

MINIMUM REQUIRED TREE CANOPY BY RETENTION OR CREATION BY PROPOSED USE CLASSIFICATION

Note: Compliance with the minimum tree density requirement shall base its density calculations on the gross site area.

RESIDENTIAL USES (other than existing single-family residential lots)	PUBLIC AND INSTITUTIONAL, COMMERCIAL, LOW - MODERATE IMPACT SERVICE USES AND MIXED- USE USES	LIGHT INDUSTRIAL, INDUSTRIAL AND HIGH IMPACT SERVICE USES
15 tree credit units per acre	10 tree credit units per acre	5 tree credits per acre

1. Priority Retention Areas. Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order):
 - a) Areas containing Heritage Trees, and their associated critical root zones
 - b) Riparian buffers, wetlands, or wellhead protection areas
 - c) Wildlife habitat and other sensitive natural areas
 - d) Designated open space areas
 - e) Areas needed to meet required landscaping (i.e. Transition Buffers, Parking Lot and Vehicular use areas, and Streetscape Landscaping);

C) *Streetscape Landscaping: Street Trees.* The street tree requirement is designated to create an attractive streetscape and provide for a pedestrian friendly environment. It also assists in reducing impervious surface areas to improve storm water run-off and provides shade that reduces heat generated from paved surfaces.

- a) Requirement. Street trees are required along all public and private street frontages and shall include only those trees listed in the approved list of tree species unless use of an alternative species is approved by the Business and Development Services Director.
- b) Location. Street trees shall be located in an area no further than ten (10) feet from the existing or proposed street right-of-way line.
- c) Calculation. One (1) large maturing deciduous tree (greater than thirty-five (35) feet in height at maturity) shall be planted for every forty (40) linear feet of property abutting a street.

Exception: If overhead utilities are present than One (1) small maturing deciduous tree (less than thirty-five (35) feet in height at maturity) shall be planted for every thirty (30) linear feet of property abutting a street.

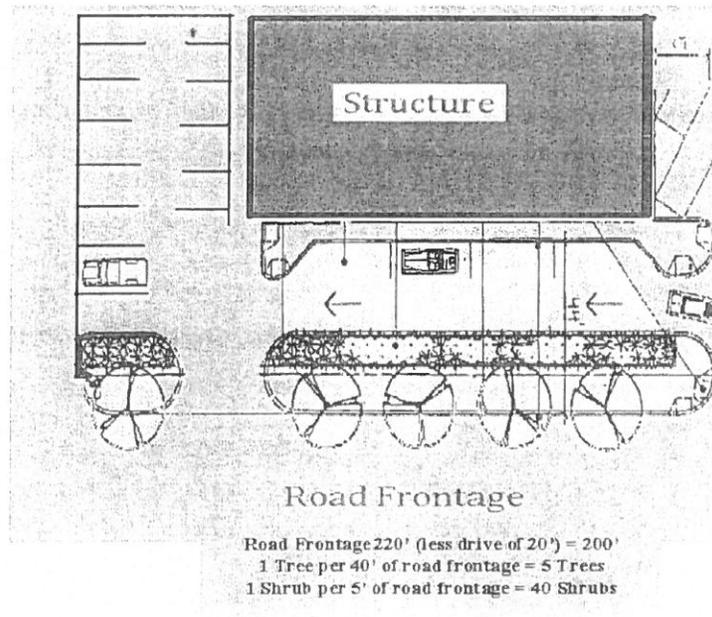
- d) Street Tree Spacing. **Large maturing deciduous street trees shall be planted at a spacing of forty (40) feet on center or twenty (25) feet on center for small-maturing deciduous trees along the entire length of the street frontage of the proposed development plans. At the discretion of the Business and Development Services Director, street trees may be clustered, rather than set at regular intervals, to accommodate access drives, and improve building visibility. In no circumstance, however, shall large maturing deciduous trees be located closer than thirty-five (35) feet of another large maturing deciduous tree.**
- e) Planting Strip. Trees shall be planted in a planting strip the width of which may vary but shall maintain a minimum of not less than seven (7) feet and an average width of ten (10) feet.
The planting area must be stabilized with ground cover materials, mulch or other approved material to prevent weeds, soil erosion and to allow rainwater infiltration (no soil shall be exposed). Stone mulch shall not be permitted in a street tree-planting strip.
- f) Existing preserved trees located along a street frontage and having a three (3) inch DBH or greater may be used to satisfy the street tree requirements as long as the vegetation is located within ten (10) feet of the right-of-way. A single existing tree, regardless of its circumference shall not count for more than two (2) tree credits. Preserved trees shall meet all the requirements outlined in Section 6:2.5 *Tree*

Protection and be of an acceptable species, alive and healthy at the time of final inspection.

- g) Trees used to comply with the street tree requirement shall not count toward the minimum number of trees required to meet the parking lot landscaping standard.
- h) Residential Subdivision and Townhome Developments. Street trees shall be provided along all existing street frontages and on both sides of any new public or private street serving the development.
 - a) Street Tree Calculation: Calculation. One (1) large maturing deciduous tree (greater than thirty-five (35) feet in height at maturity) shall be required for every forty (40) linear feet of street frontage.
 - b) Street Tree Placement. Street trees shall be located on private property and in an area located no further than ten (10) feet from the existing or proposed street right-of-way line.
 - c) The Business and Development Service Director may consider alternative placement and location of required street trees for Cluster and Open Space Developments and Townhome Developments.

D) *Streetscape Landscaping: Street Buffer.* Street buffers are designed to enhance the City's streetscape, provide a separation between vehicular use areas and the street; and to create a more comfortable pedestrian environment. Street buffer shrubs are required in addition to the street tree requirements of Section 6:2.3(A), and are to be located within the street tree-planting strip. *A vehicular use area means all driving surfaces including: parking, drive aisles, loading areas and maneuvering areas that are paved and unpaved.*

- 1. Requirement. All parking and vehicular use-areas
- 2. Calculation. One (1) evergreen shrub shall be planted for every five (5) linear feet of buffer required. Shrub species selected to meet this requirement shall achieve a minimum of three (3) feet in height at maturity.
- 3. Exemption. This requirement may be waived if a natural grade change or manmade berm exists and creates a minimum three (3) foot vertical separation and is completely covered with an approved groundcover.



E) *Parking Lot and Vehicular Use Areas.* Trees and shrubs are required in and around parking lots in order to provide to provide shade to reduce the heat generated by impervious surfaces, provide attractive views from roads and adjacent properties; reduce stormwater run-off and improve water quality, reduce glare from parking lots, and to help filter exhaust from vehicles. Parking lot planting areas shall be designed within parking fields in the following manner: as islands located at the end of parking bays, islands located between parallel rows of cars; and located to visually separate parking areas into rows, and driveway medians.

1. Applicability. Parking lots with ten (10) or more spaces shall require parking lot landscaping.
2. Calculating the requirement. One (1) deciduous tree and three (3) shrubs are required for every 2,500 square feet of vehicular use area (VUA). At least fifty (50) percent of the required deciduous parking lot trees must be large-maturing canopy trees; and fifty (50) percent of the shrubs shall be evergreen.
3. Location. Trees and shrubs must be planted within fifteen (15) feet of the vehicular use area to count as parking lot landscaping.
4. Perimeter parking spaces. All continuous runs of fifteen (15) or more parking spaces shall be interrupted by a tree island.
5. Interior rows of parking. When more than four (4) parking lot trees are required in a parking field with interior rows, a minimum of fifty (50) percent of the trees and shrubs must be planted in islands or medians located within the parking field.
6. Canopy coverage. Each parking space shall be located within sixty (60) feet of a tree as measured from the trunk of the tree to the closest point of the parking space.
7. Minimum island size. The minimum island size shall be one-hundred eighty (180) square feet of pervious planting surface per tree. Islands must maintain an average width of ten (10) feet and have a minimum width of five (5) feet.
8. Protection of trees. Curbing, bollards, or parking barriers shall protect trees and shrubs within five (5) feet of the edge of the pavement. Trees and shrubs in islands should be set back at least three (3) feet from the curb so as not to interfere with car doors opening.
9. Multiple parking bays. When more than four (4) bays of parking are proposed, an interior island with an average width of twenty (20) feet and a length equivalent to the length of the average parking bay is required. This island must be planted and include a pedestrian walkway no less than five (5) feet wide and placed in a location that enhances pedestrian circulation, preferably leading directly to a building entrance or sidewalk.
10. Heritage Trees. The Business and Development Services Director may modify the landscaping requirements and/or the parking requirements through the Alternative Landscape Compliance process (Section 6:2.4) in order to preserve an affected Heritage tree.

F) *Transition Buffers between incompatible uses.* Some land uses may create an adverse impact when developed adjacent to other less intensive land uses commonly found in certain zoning districts. Bufferyards shall be required for proposed developments adjacent to parcels of dissimilar zoning designations to provide a transition between districts of varying intensities. The bufferyard width and number of plantings required will vary depending on the degree of difference between the zoning designations and shall be the responsibility of the property owner developing or changing the land use.

Material should generally be planted in a free form manner to simulate a more natural appearance, while maintaining consistent coverage for visual screening at all plant heights. Plant

Note:

RL = Residential Low: R-20, R-15, R-12

RH = Residential High: R-10, R-8, R-6

TABLE: 6:2.2(F)2.

TABLE TRANSITION BUFFER DETERMINATION
Adjacent Zoning & Required Transition Buffer

Proposed Development Site Zoning	RL	RH	RM-1, RM
RL *	N/A	N/A	N/A
RH*	A	N/A	N/A
RM-1, RM	A	N/A	N/A
CRD, C-2, OD	B	A	A
S-1, I-1	B	B	B

(*) Unless otherwise required by the Land Development Ordinance or other standards set forth in this ordinance.

3. Transition Buffer location. Buffers shall extend along the entire property line that is adjacent to the property of dissimilar zoning designation. Buffers are to be located on the property that is being developed or changing in land use, and between the property line and any vehicular use areas, buildings, storage, service areas, or other area of activity.
4. Placement of Transition Buffer plantings. The exact placement of the required plants shall be the decision of the developer or designer but shall be approved by the Business and Development Services Director. Plants should be placed in a manner to serve as an effective and attractive screen year-round when viewed from any area accessible to the public or from adjacent properties. Trees or shrubs should be planted at least five (5) feet away from the property line to ensure maintenance access and to avoid encroaching upon neighboring property.
 - a) Setbacks. Where a setback and bufferyard are required along the same property line the requirement with the greatest dimensional width shall be applicable. If the setback is greater than the bufferyard, the total number of required plant material shall be distributed throughout the wider setback.
 - b) Corner lots and through lots. No buffer will be required along the front property line of any lot. However, a lot with more than one street frontage will require a transition buffer along the secondary street face when it is adjacent to a dissimilar zoning district where a buffer is required. Buffer requirements can be waived in lieu of street trees and street buffers, provided that the development and building façade along the secondary street frontage is pedestrian oriented with functioning pedestrian entrances that open onto public sidewalks.

- c) Encroachments. The following site features may penetrate or encroach into a required buffer area provided that the total number of required plantings is still met: approved driveway openings, pedestrian or bicycle paths, designated greenways or walking trails, utilities (providing that conflicts with vegetation is considered) and walls/fences.
- d) Prohibitions in Transition Buffer. The following are specifically prohibited from encroaching into required buffer areas: loading areas, storage areas, parking areas and drive aisles (unless cross access and/or shared parking with adjacent properties are provided); dumpsters and stormwater retention/detention structures.
- e) Credit for overlapping requirements. Fifty (50) percent of transition buffer plants that are within fifteen (15) feet of a vehicular use area may be counted towards the parking lot landscaping.
- f) Alternative Compliance for existing constrained sites is offered through Section 6:2.3, *Alternative Landscape Compliance*.

6:2.3. Alternative Landscape Compliance.

- A) *Applicability*. The landscape requirements are intended to set minimum standards for quality development and environmental protection. Conditions associated with individual sites may, under certain circumstances, warrant approval of alternative methods of compliance where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present, the Business and Development Services Director shall have authority to adjust the requirements of this chapter as provided in subsection (C) below.

Alternative plants, materials, location, or installation methods may be justified due to natural conditions, such as streams, wetlands, natural rock formations, topography, easements, lot configuration, and other physical conditions related to the site. A landscape architect or landscape designer may also propose an Alternative Landscape Plan as a method to provide a less traditional plan while still providing an appropriate level of landscape quality that meets the intent of the various requirements of this Ordinance.

- B) *Submittal Requirements*. The applicant shall submit to the Business and Development Services Director a written explanation as to the need for an Alternative Compliance approval and explain how the proposed landscape plan meets or exceeds the landscape requirements outlined in this section. The proposed landscape plan shall clearly indicate any and all areas for which Alternative Compliance is requested. The plan shall also show all existing site features and any newly proposed features, if applicable.
- C) *Allowable Deviations*. The Business and Development Services Director is authorized to approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards as outlined in this section. *Unless otherwise specifically permitted by this ordinance, the landscape requirements of a specific standard shall not be reduced by more than twenty-five (25) percent. Requests to reduce standards beyond what is authorized under this section will require a variance from the Board of Appeals.*
- D) *Considerations and Hardships*. The Business and Development Services Director may consider Alternative Compliance for the following reasons:
 1. The topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
 2. The existing site has space limitations or is unusually shaped and full landscape compliance would affect adherence to required off-street parking, loading, or accessibility requirements.
 3. Additional environmental quality improvements would result from the alternative compliance.
 4. Safety considerations make alternative compliance desirable.

5. An alternative compliance proposal meets the intent and purpose of the Landscape Ordinance in a manner that is equal to or better than compliance with the regulation contained in code.
- E) Special Consideration for Alternative Compliance related to Infill, Change of Use or Adaptive re-use of an existing site where no exterior improvements are required for occupancy of an existing building and the site in its present state is ninety (90) percent or more impervious.
1. Transition Buffers. Buffer widths may be reduced by fifty (50) percent with the installation of a six (6) foot tall, opaque privacy fence or wall with the finished face of the fence or wall facing towards the adjacent property. The finished fence or wall shall be planted with evergreen trees and /or large evergreen shrub species spaced every eight (8) feet on center. These plantings shall be located within a seven (7) foot wide planting area along the exterior of the fence facing the adjacent property. *This alternative may not be used when the existing parking area exceeds the minimum number of off-street parking spaces required for the development.*
 2. Parking lot and Vehicular Use Landscaping. The requirement for plantings in interior islands may be reduced up to thirty (30) percent.
 3. Alternative Street Tree requirements, Planting Strip Width. The required ten-foot wide planting strip for street trees may be reduced if one (1) or more of the following objective standards apply:
 - An existing sidewalk, building(s) and/or other permanent infrastructure prevents its installation. In no case shall the planting strip be less than five feet wide or the planting area be less than two-hundred (200) square feet per large maturing tree, or one-hundred fifty (150) square feet per small maturing tree.
 - A subsurface structure is used to allow for an aerated area of two-hundred (200) square feet per tree. Construction detail must be provided.
 - An adopted streetscape plan, corridor plan, and/or neighborhood plan calls for a different standard and the development complies with this standard.
- F) Decision. The Business and Development Services Director shall review the performance of the Alternate Compliance plan. The purpose of this review shall be to determine if the alternate plan meets the intent and purpose of this section. This determination shall take into account the land use of adjacent property, the amount and species of plant material, its arrangement and coverage of the lot; the level of screening and the mature height, spread and canopy of the plantings. Upon justification of these findings, a decision of approval or denial shall be rendered.
- G) Appeals. Appeals to a denial of an Alternative Compliance Landscape Plan by the Business and Development Services Director shall be submitted and reviewed by the Building and Zoning Board of Appeals through the Variance procedures outlined in Section 4:1.3.4, *Board Actions to a Variance Required*.

Section 6:2.4. Tree Protection and Credits

- A) *Purpose*. Protection of existing tree cover is intended to preserve the visual and aesthetic qualities of Mauldin to encourage site design techniques that preserve the natural environment and enhance the developed environment: to control erosion, slippage, and sediment runoff into streams and waterways; to increase slope stability; and, to protect wildlife habitat and migration corridors. Preservation or provision of trees near structures also serves to conserve energy by reducing heating and cooling costs.
- B) *Applicability*. The requirements of this section shall apply to all existing and new development, except that the following developments and activities shall be exempt from this section:
1. The removal of trees located on individual lots containing single-family detached dwellings.
 2. The removal of dead or naturally fallen trees, or trees that are found by the Business and Development Services Director to be a threat to the public health, safety, or welfare.

3. The selective and limited removal of trees or vegetation 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.
5. The removal of trees or vegetation on land zoned or lawfully 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 forestry activities (no development applications shall be accepted for thirty-six (36) months from the date the clearing is completed); or commercial garden centers, greenhouses, or nurseries.

C) *Credits and other incentives to preserve vegetation.* Developments intending to preserve existing vegetation in order to receive credit for required landscaping must graphically show the location of each tree. In order to receive credit, preserved vegetation must be in good health and condition and must meet the spacing requirements of the standards it is intended to satisfy.

Protective barriers must also be shown on the landscape and grading plans in accordance with the requirements of this section. If a preserved tree dies within twenty-four (24) months of completion of the project, it must be replaced with the total number of trees that were credited to the existing tree. No credit will be given to invasive-exotic species.

Any development that proposes to preserve existing vegetation will receive credit for that vegetation at the rate assigned as follows in Table 6:2.4(C) Table A:

TABLE 6.2.4(C) - A TREE PRESERVATION CREDIT RATES Diameter at Breast Height (Partial dimensions shall be rounded to the nearest whole number)		# of Tree Credits
2" – 6"		1
7" – 12"		2
13" – 18"		3
19" – 24"		4
25" – 29"		5
30" +		7
Shrubs will be credited at a rate of 1:1		

D) *Tree Protection during Construction.*

1. Protective fencing. Before grading begins fencing shall be required around the critical root zone and drip line of all trees that are to be preserved. Additional fencing shall be required around the critical root zone of trees on adjacent properties or located in a right-of-way.
2. Type of fencing. All fencing required by this section shall be a minimum of four (4) feet high and of durable construction; such as wood or metal fencing.
3. Signs. 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: "TREE PROTECTION ZONE: KEEP OUT."
4. Activity within a fenced tree protection zone. No construction, grading, parking, equipment, or material storage, or any other activity, shall be allowed within the fenced area.
5. Maintenance of fencing. For existing trees to be counted toward required tree credits, they must be protected during the entire development period, beginning prior to the commencement of site work. Encroachment within the tree protection zone is only permitted to allow the Landscape Contractor access to complete site work.
6. Encroachments. Encroachments within the critical root zones of any tree being preserved to comply with required tree credits, or within designated tree protection zones, shall occur only in rare instances. If such an encroachment is anticipated, a written request must be made to the Business and Development Services Director for allowance of encroachment. Request must detail preventative measures taken. If approved the following preventative measures shall be employed:
 - a) Clearing activities. The removal of trees adjacent to a tree protection zone can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two-foot trenches along the limits of land-disturbance, so as to cut, rather than tear, roots. Trenching is required for the protection Heritage trees.
 - b) Soil compaction. Where compaction might occur due to traffic or materials through the tree protection zone, the area must first be mulched with a minimum four (4) 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.

E) *Protection and removal of Heritage trees.*

1. In order to protect significant trees, the city has established a Heritage tree designation. A Heritage tree is any tree greater than thirty inches (30") in diameter. A Heritage tree shall be further defined as one that is free of major damage, and exhibits the growth habit and superior qualities to be considered a specimen of its species. Heritage trees shall be protected on a development site in accordance with the tree protection standards outlined in Section 6:2.4 (D), *Tree Protection during construction.*
2. Heritage trees shall not be cut, removed, pushed over, harmed, trimmed, sprayed, or destroyed without written approval by the Business and Development Services Director.
3. Removal of a Heritage Tree. Except on lots containing existing single-family detached dwellings, a healthy heritage tree may only be removed if the landowner demonstrates to the Business and Development Director that one of the applicable following standards are met:
 - a) The Heritage tree is certified by an arborist or other qualified professional as being severely diseased, high risk, or dying. A severely diseased, high risk or dying heritage tree shall be exempt from replacement.
 - b) The required site grading will have an adverse impact on the tree most likely resulting in decline and death of the tree in the near future.
 - c) The Heritage tree is not located within a Riparian Buffer Zone.

- d) After significant attempts to design around a Heritage tree, it is determined that the Heritage Tree is located such that preservation significantly affects the ability to develop the site for its approved uses, and hinders compliance with other required site and landscape developments.
- e) Except on lots containing single-family detached dwellings, each healthy Heritage tree removed or destroyed shall be replaced with three (3) replacement trees, measuring at least six (6) inches in diameter by American Nurseryman Standards, and shall be replanted within twelve (12) months of the removal or destruction of the tree; and/or prior to the close-out of a development under construction.
- f) New trees used to comply with Heritage Tree replacement requirements shall not count toward the street tree requirements or parking lot landscaping requirements.
- g) No construction, grading, equipment, or material storage, or any other activity, shall be allowed within the critical root zone of a heritage tree unless steps taken to adequately ensure the health of the tree are submitted to the Business and Development Services Director in writing.

Section 6:2.5 Compliance

- A) *Time for Installation of Required Landscaping.* All landscaping, including mulching and seeding or sodding, shall be completed in accordance with the approved Site and Landscape Plan prior to issuance of a Final Certificate of Occupancy. The Business and Development Services Director may grant an exception to this requirement through the issuance of a Temporary Certificate of Occupancy when all Life Safety, Accessibility, and Land Development standards have been satisfied. Temporary Certificates of Occupancy shall be permitted in thirty (30) day increments, not to exceed one-hundred and twenty (120) calendar days.
- 1. The Business and Development Services Director may grant an extension for a period beyond one-hundred and twenty (120) calendar days when the applicant provides an acceptable form of Guarantee that ensures that all landscaping standards will be met at a predetermined date. Refer to Section 6:2.5(B), *Performance Guarantees for Landscaping*, for what is acceptable.
 - 2. Exceptions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting seasons for the plant species.
 - 3. Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the Landscape Plan or Alternative Compliance Landscape Plan in cases where such materials are not commercially available within a reasonable time.
 - 4. Exceptions may be granted due to circumstances beyond the developer's or landowner's control, such as incomplete road construction or utility work to occur in a proposed landscaped area within one-hundred eighty (180) days after expected site completion, provided the developer or land owner submits a letter from the responsible party or utility company stating the estimated installation date.
- B) *Performance Guarantees for Landscaping.* The Business and Development Services Director may allow issuance of a Certificate of Occupancy to allow a developer/owner to delay the installation of required landscaping materials through the provision of a performance guarantee in accordance with the following requirements:
- 1. Types of Performance Guarantees for Landscaping. The owner or developer shall furnish a itemized cost estimate prepared by a professional landscape architect or designer and shall also submit a performance guarantee in any of the following acceptable forms:
 - a) Cash deposit made to the City of Mauldin
 - b) Irrevocable letter of credit or Surety Bond from a South Carolina banking institution in a form acceptable to the City; or
 - c) Any other financial security found acceptable by the City Attorney.

2. **Performance Guarantee Amount.** A cost estimate shall be prepared by a professional landscape architect or designer to include landscaping materials, irrigation and installation labor for all improvements. The improvements shall be guaranteed at one hundred twenty-five (125) percent of the cost estimate provided. An additional non-refundable fee may be assessed to cover the cost of additional administration and inspections to accommodate this process.
3. **Time Limit for Installation.** The performance guarantee shall include a statement indicating when all required landscaping installation will be completed. In no event shall the installation of all required landscaping be delayed by more than two (2) growing seasons or one (1) year.
4. **Release of Performance Guarantees.** Upon the owner or developer's completion of the installation of the required landscaping, the owner/developer shall provide written notice to the Business and Development Services Director requesting an inspection. Upon verification of achieving full compliance the Business and Development Services Director shall release the full amount of the security.
5. **Forfeiture of Security.**
 - a) **Failure to Install Landscaping.** If an owner or developer fails to properly install all required landscaping within the time-frames established in accordance with this subsection, the Business and Development Services Director shall give written notice to the owner/developer (if different) by certified mail, after which time the City may draw on the security and use funds to complete the required improvements.
 - b) **Report of Expenditures.** After completing the required landscaping, the City shall provide a complete accounting of the expenditures, including administration and inspection, to the owner/developer (as appropriate) and, as applicable, refund all unused security deposited, without interest, to the party posting the guarantee. If the costs to complete the required landscaping are greater than the amount of the security, the City may assess the additional costs to the affected property owner(s) or responsible association.

Section 6:2.6 Maintenance of Landscaping Materials.

- A) **Responsible Party for Maintenance of Landscaping Materials.** The owner shall be responsible for the maintenance of all landscape areas located outside of the public or private street right-of-way. Such areas shall be maintained in accordance with the approved Landscape Plan or Alternative Compliance Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved Landscape Plan or Alternative Compliance Landscape Plan shall be replaced if it dies, is seriously damaged, or removed.
- B) **Damage Due to Natural Occurrence.** In the event that any vegetation is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer will be required to replant if the landscaping standards are not being met. The owner shall have two (2) growing seasons to replace or replant. The Business and Development Services Director shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.
- C) **Protection during Operations.** The owner or developer should take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants must be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- D) **Maintain Shape.** All required trees (whether canopy, understory, or otherwise) and shrubs shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs.

Trees (including but not limited to Crape Myrtles) that have been severely pruned, sheared, topped, or shaped as shrubs and no longer serve the intended landscape requirement function shall be considered a violation as damaged vegetation in need of replacement and shall be replaced during the current or next available growing season.

- E) *Natural Death.* The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and would not require re-vegetation to replace the plant material unless the required landscape area no longer achieves the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Business and Development Services Director, the required performance standard of the landscaping is not being met.

Section 6:2.7 Monitoring for Compliance with Landscaping Standards

- A) *Inspections Prior to Certificate of Occupancy.* The Business and Development Services Director shall inspect the site prior to the issuance of a Final Certificate of Occupancy for the development. The Certificate of Occupancy shall not be issued if a performance guarantee has not been approved, the landscaping is not living or healthy, or is not installed in accordance with the approved Site and Landscape Plan or Alternative Compliance Landscape Plan, and/or other requirement of this ordinance.
- B) *Violations.* Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this section shall constitute a violation and is subject to enforcement in accordance with Article 12 of the Mauldin Zoning Ordinance.

6:2.8 Acceptable Plant Materials

The Business and Development Services Director reserves the right to accept additional species that are not listed below.

*Denotes Native Species – Native species are preferred because they are best for our soils and climate, attract a variety of wildlife, provide food and shelter for many species, require less care and watering, and thrive with less fertilizer and disease control.

TABLE A: LARGE MATURING DECIDUOUS SHADE TREES (Transitional Buffer, Street Trees, Parking Lot Landscaping)	
Common Name	Botanical Name
American Beech	Fagus grandifolia
American persimmon	Diospyros virginiana
Ash, Green *	Fraxinus pennsylvanica
Ash, Green Georgia Gem *	Fraxinus pennsylvanica 'Oconee'
Ash, Green Patmore *	Fraxinus pennsylvanica 'Patmore'
Ash, Green Urbanite *	Fraxinus pennsylvanica 'Urbanite'
Ash, White *	Fraxinus americana

Blackgum *	<i>Nyssa sylvatica</i>
Chinese Chesnut	<i>Castanea mollissima</i>
Chinese Pistachio	<i>Pistacia chinensis</i>
Elm, Allee	<i>Ulmus parvifolia</i> 'Emer II'
Elm, Athena	<i>Ulmus parvifolia</i> 'Emer I'
Elm, Bosque	<i>Ulmus parvifolia</i> 'UPMTF'
Elm, Drake	<i>Ulmus parvifolia</i> 'Drake Chinese Elm'
Elm, Princeton *	<i>Ulmus Americana</i> 'Princeton'
Elm, Slippery *	<i>Ulmus rubra</i>
Elm, Winged	<i>Ulmus alata</i>
Fort McNair Red Horse Chesnut	<i>Aesculus x carnea</i> 'Fort McNair'
Ginko, Male only	<i>Ginko biloba</i>
Hackberry *	<i>Celtis occidentalis</i>
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Linden, Littleleaf Greenspire	<i>Tilia cordata</i>
Maple, Autumn Blaze	<i>Acer x freemanii</i> 'Jeffers Red'
Maple, Red Autumn Flame *	<i>Acer rubrum</i> Autumn Flame
Maple, Red October Glory *	<i>Acer rubrum</i> October Glory
Maple, Red Sunset *	<i>Acer rubrum</i> 'Franksred'
Maple, Sugar	<i>Acer saccharum</i> 'Northern Sugar Maple'
Maple, Sugar Green Mountain	<i>Acer saccharum</i> 'Green Mountain'
Maple, Sugar Legacy	<i>Acer saccharum</i> 'Legacy'
Oak, Swamp White	<i>Quercus bicolor</i>
Oak, Darlington Laurel	<i>Quercus hemisphaeica</i> 'Darlington'
Oak, Live *	<i>Quercus virginiana</i>
Oak, Northern Red *	<i>Quercus rubra</i>
Oak, Nuttall	<i>Quercus nuttalli</i>
Oak, Overcup *	<i>Quercus lyrata</i>

Oak, Pin	Quercus palustris
Oak, Sawtooth	Quercus acutissima
Oak, Scarlett *	Quercus coccinea
Oak, Shumard *	Quercus shumardii
Oak, White *	Quercus alba
Oak, Willow *	Quercus phellos
Oak, Willow Hightower *	Quercus phellos 'QPSTA'
Oak, Willow Wynstar *	Quercus phellos 'QPMTF'
Planetree, London Bloodgood	Platanus x acerifolia 'Bloodgood'
Planetree, London Yarwood	Platanus x acerifolia 'Yarwood'
River Birch *	Betula Nigra
Sourwood *	Oxydendrum arboreum
Sycamore *	Platanus occidentalis
Tulip Poplar *	Liriodendron tulipifera
Yellowwood	Cladrastis kentukea
Zelkova, Green Vase	Zelkova serrata 'Green Vase'
Zelkova, Myrimar	Zelkova serrata 'ZSFKF'
Zelkova, Village Green	Zelkova serrata 'Village Green'

Table B Acceptable Ornamental or Understory Street Tree Species

TABLE B: SMALL MATURING UNDERSTORY AND ORNAMENTAL TREES	
Must be properly pruned and maintained in a tree like form. Appropriate for Transition Buffer, Street trees under powerlines, Parking Lot Landscaping	
Common Name	Botanical Name
American Hornbeam *	Carpinus carolina
Cherry, Dreamcatcher	Prunus 'Dream Catcher'
Cherry, Okame	Prunus x "Okame"

Cherry, Pink Autumn	<i>Prunus subhirtella</i> 'Autumnalis Rosea'
Crape Myrtle	<i>Lagerstroemia indica</i>
Crape Myrtle, Natchez White	<i>Lagerstroemia indica</i> 'Natchez'
Dogwood, Flowering *	<i>Cornus florida</i>
Dogwood, Kousa	<i>Cornus kousa</i>
Dogwood, Pink Flowering *	<i>Cornus florida rubra</i>
European Hornbeam *	<i>Carpinus betulus</i>
Fringetree *	<i>Chionanthus virginicus</i>
Fringetree, Chinese	<i>Chionanthus retusus</i>
Fosters Holly	<i>Ilex x attenuate</i> 'Fosteri'
Holly, Emily Bruner, 'Tree Form'	<i>Ilex x 'Emily Bruner'</i>
Holly, East Palatka, 'Tree Form'	<i>Ilex x attenuate</i> 'East Palatka'
Holly, Foster No. 2, 'Tree Form'	<i>Ilex x attenuate</i> 'Foster No. 2'
Holly, 'Mary Nell'	<i>Ilex x 'Mary Nell'</i>
Holly, Yaupon *	<i>Ilex vomitoria</i>
Magnolia Saucer	<i>Magnolia x soulangiana</i>
Magnolia, Star	<i>Magnolia stellata</i>
Magnolia, Sweetbay	<i>Magnolia virginiana</i>
Maple, Trident	<i>Acer buergeranum</i>
Oak, 'Chinese Evergreen'	<i>Quercus myrsinifolia</i>
Plum, Purpleleaf	<i>Prunus cerasifera</i>
Plum, Thundercloud	<i>Prunus cerasifera</i> 'Thundercloud'
Redbud, Eastern *	<i>Cercis canadensis</i>
Redbud, Eastern White *	<i>Cercis Canadensis</i> var. <i>alba</i>
Redbud, 'Forest Pansy' *	<i>Cercis Canadensis</i> 'Forest Pansy'
Redbud, 'Mexican	<i>Cercis mexicana</i>
Redbud, Oklahoma	<i>Cercis renformis</i> 'Oklahoma'
Redbud, Texas White	<i>Cercis reniformis</i> 'Texas White'

Smoketree	<i>Cotinus coggygia</i>
Snowbell, Japanese	<i>Styrax japonica</i>
Tea Olive, 'Treeform'	<i>Osmanthus x 20ortune/fragrans</i>
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>
Witch Hazel *	<i>Hamamaelis virginiana</i>
Tulip Poplar	<i>Liriodendron tulipifera</i>

TABLE C: EVERGREEN TREES (Transition Buffer, Screening)	
Common Name	Botanical Name
Deodar Cedar	<i>Cedrus deodara</i>
Italian Cypress	<i>Cupressus sempirens</i>
Eastern Redcedar *	<i>Juniperus virginiana</i>
American Holly (cultivar) *	<i>Ilex opaca</i> 'Varied cultivars'
Southern Magnolia (cultivar) *	<i>Magnolia grandfolia</i> 'Varied cultivars'
Loblolly Pine *	<i>Pinus Taeda</i>
Virginia Pine *	<i>Pinus virginiana</i>
Canadian hemlock	<i>Tsuga canadensis</i>
Japanese-Cedar	<i>Cryptomeria japonica</i>
American Arborvitae	<i>Thuja occidentalis</i>
Fosters Holly	<i>Ilex x attenuate</i> 'Fosterii'
Burford Holly	<i>Ilex comuta</i> 'Burfordii'
Nellie R. Stevens Holly	<i>Ilex x</i> 'Nellie R. Stevens'
Yaupon Holly *	<i>Ilex vomitoria</i>
Hollywood Juniper	<i>Juniperus chinensis</i>
Waxy leaf Ligustrum	<i>Ligustrum japonicum</i>
Chinese Fringe Flower	<i>Loropetalum chinense</i>

Sweetbay Magnolia	Magnolia virginiana
Wax Myrtle *	Myrica cerfera
Chinese Evergreen Oak	Quercus myrsinifolia
Spuce Pine *	Pinus glabra
Carolina Cherry Laurel *	Prunus caroliniana
Tea Olive	Osmanthus fragran x fortunei
White Pine	Pinus Strobus
English Laurel	Prunus laurocerasus 'Schipka'
Lusterleaf Holly	Ilex latifolia
Emily Bruner Holly	X Emily bruner
American Holly	Ilex opaca
Mary Nell Holly	Ilex x 'Mary Nell'

TABLE D: SHRUBS (Transitional Buffer, Street buffer, Parking lot landscaping)		
SPECIES	TYPE	BOTANICAL NAME
Glossy Abelia	Evergreen	<i>Abelia x grandiflora</i>
Azalea (Indica species- Evergreen)	Evergreen	
Boxwood, Green Gem	Evergreen	<i>Buxus sempervirens, micropophylla</i>
Camellia Species	Evergreen	<i>Camellia Oleifera</i>
Japanese Plum Yew	Evergreen	<i>Cephalotaxus harringtonii</i>
Cherry Laurel	Evergreen	<i>Prunus laurocerasus</i>
Japanese Euonymus	Evergreen	<i>Euonymus japonicus</i>
<i>Pieris japonica</i>	Evergreen	<i>Pieris japonica</i>
Fatsia	Evergreen	<i>Fatsia japonica</i>
Heavenly Bamboo	Evergreen	<i>Nandina domestica</i>

Gardenia	Evergreen	<i>Gardenia jasminoides</i>
Holly	Evergreen	Ilex Species
Anise Tree	Evergreen	<i>Illicium species</i>
Chinese Fringe	Evergreen	<i>Loropetalum chinense</i>
Mountain Laurel	Evergreen	<i>Kalmia latifolia</i>
Osmanthus	Evergreen	Osmanthus Fragrans/Fortunei
Cherry Laurel	Evergreen	<i>Prunus laurocerasus</i>
Hawthorn	Evergreen	<i>Raphiolepis</i>
Cleyera	Evergreen	<i>Ternstroemia gymnanthera</i>
Viburnum	Evergreen	Viburnum Species
Abelia	Evergreen	Abelia Species
Azalea, Rhododendron	Either	<i>Rhododendron species</i>
Hydrangea	Deciduous	Hydrangea Species
Virginia Sweetspire	Deciduous	<i>Itea Virginica</i>
Spirea	deciduous	<i>S. japonica, S. vanhouttei</i>
Viburnum	Either	<i>Viburnum species</i>
Red Chokeberry	Deciduous	<i>Aronia arbutifolia</i>
<i>Callicarpa species</i>	Deciduous	Beautyberry
<i>Hamamelis species</i>	Deciduous	Witch Hazel
Fothergilla	Deciduous	<i>Fothergilla species</i>
Winter Jasmine	Deciduous	<i>Jasminum nudiflorum</i>
Mapleleaf Viburnum	Deciduous	<i>Viburnum acerifolium</i>
Summersweet	Deciduous	<i>Clethra alnifolia</i>

TABLE E: PROHIBITED TREES

SPECIES	REASON
Allanthus	Invasive, weak wood, littersome
Black Locust	Weak wood, pest
Box elder	Weak wood, pest
Bradford pear	Weak wood

Chinaberry	Weak wood, littersome
Female ginko	Littersome, smelly fruit pods
Mimosa	Invasive, weak wood
Morus spp.	Weak wood, littersome, invasive
Poplar spp.	Weak wood, pests
Silver maple	Weak wood
Siberian elm	Weak wood

Prohibited Plant Lists

Species that are listed within the following documents are prohibited from use.

1. "Invasive Plant Pest Species of South Carolina." Clemson Extension.
<http://www.clemson.edu/psapublishing/PAGES/FORESTRY/ForLf28.pdf>
2. "Roadside Plants to Avoid." SCDOT.
http://www.scdot.org/community/pdfs/plants_to_avoid.pdf
3. "South Carolina EPPC List."
<http://www.clemson.edu/psapublishing/PAGES/FORESTRY/ForLf28.pdf>
4. "Prohibited Plant List for the South Carolina Upstate Region"
<http://www.greenstepschools.com/greensteps/pdf/UPSTATE%20SC%20-%20Prohibited%20Plant%20List%20-%20FINAL%20Update%207-10-9.pdf>

Amendment 2. Add the following definitions to Section 3:3, Definitions:

Addition. New construction involving an existing building where the gross floor area of the structure is increased or where a portion of the gross floor area is relocated.

Bufferyard. A linear strip of land combined with a vertical element such as plants, berms, fences, or walls, which physically separates and screens incompatible land uses.

Construction. The erection of any on-site improvements on any parcel of ground whether the site is presently improved, unimproved or becomes unimproved by demolition, destruction of the improvements located thereon by fire, windstorm or other casualty.

Critical root zone. The minimum area beneath a tree which must be left undisturbed and protected from construction disturbance in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone is delineated by a concentric circle with the tree trunk as the center. The radius of the critical root zone equals one foot for every one inch of tree diameter. Example: a 20-inch diameter tree will have a critical root zone radius of 20 feet.

Development. Any human change or alteration to the unimproved or improved state of land, including, but not limited to changes or alteration to vegetation, soil, geology, hydrology, buildings or other structures for any residential, commercial, industrial, utility, or other uses, including, but not limited to, all areas for vehicular access, circulation, and parking and including, but not limited to, mining, dredging, filling, grading, paving, excavating and drilling operations and any subdivision of land. -

Diameter at breast height (DBH). Means the standard measure of trees which exist on a site. The diameter of the trunk is measured at four and one-half feet from the ground. If the tree splits into multiple trunks below four and one-half feet, the trunk should be measured at its most narrow point beneath the split.

Expansion. Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Gross Floor Area. The sum of the total horizontal areas of each floor of a building, measured from the exterior faces of exterior walls or in the case of a common wall separating two buildings, from the centerline of such common wall. The term gross floor area shall include any area with a ceiling height of seven feet or greater, all elevator shafts, stairway shafts; and attics and basements. Up to 1,000 square of floor area used to house mechanical, electrical, and communications equipment may be excluded in the calculation of gross floor area when such devices are located in the basement, first floor, or penthouse of said building. Gross floor area shall also include areas covered by canopies and like structures when an active use is occurring such as: drive-through service, gasoline pumping, loading and/or storage of materials, and similar activities. Gross floor area does not include the floor area in parking structures/decks.

Guarantee in lieu of construction of improvements. Cash, irrevocable letters of credit, bonds, or similar financial instruments deposited with and accepted by the City to insure that improvements required as part of a development will be satisfactorily completed.

Hardship. A practical difficulty in carrying out the requirements of this chapter. Unless otherwise indicated, financial difficulties, in and of themselves, do not constitute a hardship.

Impervious surface. Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to, compacted earth, traffic-bearing gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures. Uncovered slatted decks and the water area of a swimming pool, pond, or other water body are considered pervious.

Industrial use. Uses that primarily involve the assembly, packaging, processing, production, and manufacturing of goods.

Infill development. New development or redevelopment that occurs within established urban areas where the site or area is either vacant or has previously been used for another urban purpose.

Island or median. An unpaved area within a parking lot or street, usually surrounded by a curb or other raised element, which is surrounded by a paved or gravel surface on at least three sides.

Light Industrial use. Uses that primarily involve the assembly, packaging, processing, production, and manufacturing of goods if such activities are conducted wholly within an enclosed building; and if operated in a manner that prevents external effects of the activity such as (but not limited to) smoke, soot, dirt, vibration, odor from being detectable at any property line.

Pervious Surface. A surface that allows water to pass through (i.e. grass, permeable pavers, pervious pavement)

Renovation costs. The following shall be considered when determining the site improvements that may be required by ordinance. For zoning purposes, the total cost of renovation shall include any structural or other trades work, permanent equipment or other fixtures that are necessary for the operation and/or occupancy of the building, and shall also include cosmetic work such as but not limited to painting, carpeting, flooring, cabinet installation, and facade work.

Screening. A structure or planting that conceals view from public ways or adjacent property.

Shared access. The mutual use of one or more points of ingress or egress by establishments on separate lots.

Shared parking. The development and use of parking areas on two or more separate properties for joint use by the businesses on those properties.

Streetscape. The scene as may be observed along a public street or way composed of natural and manmade components, including buildings, paving, planting, street furnishings, and miscellaneous structures.

Through lot. A parcel having its front and rear yards each abutting on a street. Excluding single family development, both street sides of a through lot shall be treated as a front lot line.

Transition Buffer. An area of natural or planted vegetation or an area of such vegetation in conjunction with berms, fences, or walls serving as a separation between two areas or land uses.

Vehicular use area (VUA). All driving surfaces including: parking, drive aisles, driveways, loading areas, and maneuvering areas that are paved or gravel.

Visible. Capable of being seen by the unaided eye in the daylight.

Wall. An upright structure of masonry, wood, plaster or other building material serving to enclose, divide or protect an area.

Zoning permit. A permit issued by the City of Mauldin stating that a particular development or redevelopment project, change in use or addition, is in compliance with the ordinances of the city pertaining to use of the land on which such use is situated.

Amendment 3. Remove from definitions, Section 3:3, Trees, A-E and Replace with the following definitions:

Tree. Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least two inches and a height of at least ten feet and typically has one main stem and many branches.

Tree, Canopy or Large Maturing. Any tree whose height under average regional growing conditions will exceed 35 feet in height at maturity.

Tree, Understory or Small Maturing. Any tree whose height under average regional growing conditions will be less than 35 feet in height at maturity.

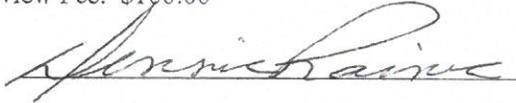
Amendment 4. Amend from definitions, Section 3:3, Change of Use and replace it with the following definition:

Change of Use. The act of eliminating the type of land use in a structure or on a lot and replacing it with another type of land use; or the act of adding another type of land use in a building or on a lot which did not previously exist there. A change of use may or may not involve any type of new construction or building renovation. Single tenant developments where a use has ceased or is no longer in operation for a period of one hundred eighty (180) calendar days or more shall render the prior use inactive and subsequent uses of the property shall be considered a "change in use" and reviewed, as such. Multi-tenant developments where fifty percent (50%) or more of the gross floor area of a structure or lot (accommodating two or more uses) has ceased or is no longer in operation for a period of one hundred eighty (180) calendar days or more shall be considered a change of use and reviewed as such.

Amendment 5. Create the following two (2) new fees:

Temporary Certificate of Occupancy: \$50 dollars per 30 day increment, maximum of 120 calendar days.

Alternative Landscape Compliance Review Fee: \$100.00



Dennis Raines, Mayor

ATTEST:

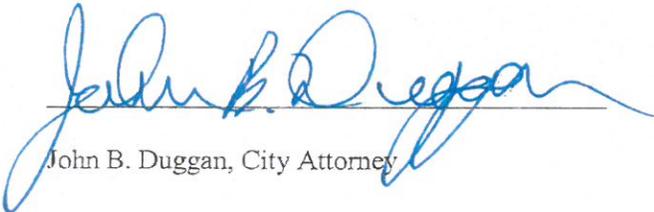


Cindy Miller, Municipal Clerk

First Reading: March 20, 2017

Second Reading: April 17, 2017

Approved as to Form:



John B. Duggan, City Attorney