

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17 (Unified Development Ordinance), Article 5: Development Standards, Sec. 17-5.3, Landscaping and Sec. 17-7.6, Nonconforming Site Features

BE IT ORDAINED by the Mayor and Council this 16th day of August, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17 (Unified Development Ordinance), Article 5: Development Standards, Sec. 17-5.3, Landscaping and Sec. 17-7.6, Nonconforming Site Features is amended to read as follows:

Sec. 17-5.3 Landscaping

(d) Transitional Buffer Yards

(1) Purpose

A transitional buffer yard is a landscaped area between two land uses designed to:

- a. Mitigate potential negative effects of different contiguous land uses;
- b. Prevent an adverse community appearance;
- c. Protect the character of an area; and
- d. Conserve the values of buildings and land.

(2) Applicability

- a. Unless exempted in accordance with subsection b below, all new development shall comply with standards in this subsection.
- b. Transitional buffer yards are not required:
 1. Between uses or lots within a single mixed-use development; and
 2. Between a proposed development and abutting right-of-way.
 3. Development that consists of the renovation or reuse of an existing structure where the buffer would require the reduction in number of parking spaces in an existing parking lot.

(3) Required Width and Plantings

a. Required Buffer Type

Table 17-5.3(d)(3)a: Buffer Type Application, identifies whether a proposed use requires a transitional buffer yard, and, if a transitional buffer yard is required, what buffer type is required. Width and planting requirements for each buffer type are set forth in Sec. 17-5.3(d)(3)b, Minimum Width and Plantings.

TABLE 17-5.3(D)(3)A: BUFFER TYPE APPLICATION					
PROPOSED USE	EXISTING USE ON ABUTTING LAND [2]				
	SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLING	RESIDENTIAL USE, OTHER THAN SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLING, HAVING 10 OR FEWER UNITS	RESIDENTIAL USE NOT OTHERWISE LISTED	PUBLIC, CIVIC, AND INSTITUTIONAL USE OR COMMERCIAL USE, IF SITE AREA IS 25,000 SQ FT OR LESS	PUBLIC, CIVIC, AND INSTITUTIONAL USE OR COMMERCIAL USE NOT OTHERWISE LISTED, OR INDUSTRIAL USE
Single-family detached or two-family dwelling					
Residential use, other than single-family detached or two-family dwelling, having 10 or fewer units	Type B				
Residential use not otherwise listed	Type C	Type B	Type A	Type A	
Public, Civic, and Institutional use or Commercial use, if site area is 25,000 sq ft or less	Type C	Type B	Type A		
Public, Civic, and Institutional use or Commercial use not otherwise listed, or Industrial use	Type D	Type C	Type B	Type A	
NOTES:					
[1] A shaded cell indicates that a transitional buffer yard is not required.					
[2] Where establishment of a use abutting land is pending, the use is considered an existing use for purposes of this subsection if a building permit is issued for the use. If abutting land is vacant and no building permit has been issued for					

b. Minimum Width and Plantings

The standards for each transitional buffer yard type in this subsection shall apply where that buffer type is required in accordance with Table 17-5.3(d)(3)a: Buffer Type Application.

1. Minimum Width

Unless reduced in accordance with Sec. 17-5.3(d)(3)c, Reduction in Buffer Width, the minimum required width of a transitional buffer yard shall be as follows:

- (i) Type A: 10 feet;
- (ii) Type B: 20 feet;
- (iii) Type C: 30 feet; and
- (iv) Type D: 40 feet

2. Required Width and Plantings Table

Plantings shall be provided in a transitional buffer yard in the amount shown in Table 17-5.3(d)(3)b: Required Plantings by Buffer Width and Type, based on the width and type of buffer required.

TABLE 17-5.3(D)(3)B: REQUIRED PLANTINGS BY BUFFER WIDTH AND TYPE								
BUFFER WIDTH (FT) [3] [4]	MINIMUM NUMBER OF SHRUBS AND AGGREGATE CALIPER INCHES (ACI) OF TREES PER 100 LINEAR FEET [2]							
	TYPE A		TYPE B		TYPE C		TYPE D	
	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)	SHRUBS	TREES (ACI)
10	20	12						
20	14	10	40	14				
30	12	8	28	12	60	16		
40 or more	8	8	24	12	36	14	80	20
NOTES: [1] Buffer widths that are less than the minimum allowed are shaded in this table. [2] The actual required number of shrubs or ACI of trees is determined by dividing the number of linear feet of the transitional buffer yard by 100, multiplying the result by the number of shrubs or ACI, as appropriate, required per 100 linear feet, and rounding to the nearest whole number. [3] If a proposed transitional buffer yard width falls between two adjacent widths listed in this table (higher listed width and lower listed width), the required ACI of trees shall be the required ACI for the lower listed width, and the required number of shrubs shall be determined by multiplying by 0.1 the difference between the proposed width in feet and the lower listed width, multiplying the result by the difference between the number of shrubs listed for the higher listed width and number of shrubs listed for the lower listed width, adding the result to the number of shrubs required for the lower listed width, and rounding to the nearest whole number. For example, a proposed Type A transitional buffer yard with a width of 25 feet requires 10 ACI of trees (the same as a 20-foot buffer) and 13 shrubs $((5 \times 0.1) \times (14 - 12) + 12)$ per 100 linear feet. [4] Any transitional buffer yard that is less than 15 feet in width shall include a wall made of brick, stone, or stucco that is at least 6 feet in height.								

c. Reduction in Buffer Width

The required width of a transitional buffer yard may be reduced in accordance with this subsection, provided, only one width reduction is allowed along any length of a transitional buffer yard.

1. Fence or Masonry Wall Included

The width of a transitional buffer yard may be reduced by the amount shown in Table 17-5.3(d)(3)c: Width Reduction From Fence or Wall, if a fence or wall that complies with the corresponding height and materials requirements in Table 17-5.3(d)(3)c: Width Reduction From Fence or Wall, and Sec. 17-5.8, Fences and Walls,

is located in the transitional buffer yard along the length of the transitional buffer yard.

TABLE 17-5.3(D)(3)C: WIDTH REDUCTION FROM FENCE OR WALL				
FENCE OR WALL MATERIALS	ZONING DISTRICT	MINIMUM FENCE OR WALL HEIGHT [1]	TRANSITIONAL BUFFER YARD WIDTH REDUCTION ALLOWED (AS A PERCENTAGE OF THE REQUIRED WIDTH)	MINIMUM WIDTH OF TRANSITIONAL BUFFER YARD AFTER REDUCTION
Wood	Any district	8 feet	25	15 feet
Brick, Stone, or Stucco	Any district	4 feet	25	15 feet
	Any district	6 feet	50	10 feet
	DAC	8 feet	50	5 feet
NOTES: [1] Fence or wall height shall be measured from the side of the fence facing away from the property being screened.				

2. Berm

The width of a transitional buffer yard may be reduced by 25 percent if a berm having a height of at least four feet is provided.

3. Grade Elevation Change

The width of a transitional buffer yard may be reduced by 25 percent if the transitional buffer yard includes a grade change that achieves a screening effect similar to a wall or a fence, if:

- (i) The grade change is at least six feet;
- (ii) The grade change has a slope of three-to-one (horizontal to vertical) or less, or is retained by a retaining wall that meets all applicable engineering standards;
- (iii) The developing property has an elevation that is lower than properties from which it is to be screened; and

- (iv) Required plantings are located at the top of the slope in the transitional buffer yard.

d. Reduction in Plantings

- 1. Wooden fence or brick, stone, or stucco wall: 50 percent reduction in the number of required shrubs.
- 2. Brick, stone, or stucco wall having a height of at least six feet: shrubs are not required, and up to 50 percent of required trees in the transitional buffer yard may be small-maturing trees.

(4) Location

- a. Transitional buffer yards shall:
 - 1. Be located on the site of the proposed development, between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property; and
 - 2. Extend along the entire property line of the abutting use.
- b. Transitional buffer yards may be located in required front, side, or rear yards.
- c. Vegetative screening and fencing in a transitional buffer yard shall not be located inside a utility or drainage easement unless:
 - 1. The easement is an overhead easement; or
 - 2. All of the following requirements are met:
 - (i) The easement holder has consented to and the Zoning Administrator has approved the location of the vegetative screening and fencing in the easement;
 - (ii) The vegetative screening and fencing is maintained in accordance with the terms of consent and any applicable maintenance provisions;
 - (iii) Trees planted within 15 feet of an overhead power line shall be small-maturing trees; and

- d. In those portions of the transitional buffer yard where small-maturing trees are provided in lieu of shade trees in accordance with c.2(iii) above, either the number of required trees per 100 linear feet (see Sec. 17-5.3(d)(3)b, Minimum Width and Plantings) shall be multiplied by two, or a wood fence or masonry wall that meets the height and materials standards in Sec. 17- 5.8, Fences and Walls, shall be provided.

(5) Development Within Transitional Buffer Yards

- a. Development within a transitional buffer yard shall be limited to the following:
 - 1. Fences and walls;
 - 2. Retaining walls;
 - 3. Sidewalks, trails, and bike paths, provided they intersect the transitional buffer yard at a 90-degree angle; and
 - 4. Driveways and parking lot aisles necessary to comply with Sec. 17- 5.1(c)(2), Cross Access Between Adjoining Developments; and
 - 5. Stormwater areas that incorporate Low Impact Development (LID) practices using plant material to manage stormwater.
- b. Development within a transitional buffer yard shall not reduce the general separation of land uses or interfere with the required plantings.

(6) Modification or Waiver for Development Abutting Park or Greenway

If a required transitional buffer yard abuts a park or greenway, the Zoning Administrator may modify or waive any requirement in this subsection on finding that the required transitional buffer yard would otherwise be inconsistent with purposes of this subsection.

(7) Planting and Materials Standards

Trees, shrubs, fences and walls, and berms required by this subsection shall comply with Sec. 17-5.3(c), General Landscaping Standards, unless otherwise specified in subsections a through c below.

a. General

- 1. Trees, shrubs, fences and walls, and berms shall be arranged in a manner that provides the maximum possible visual separation between adjacent land uses, including the massing of shrubs in rows or groups as needed to achieve the maximum screening effect.

2. If a fence or wall or berm is located in a transitional buffer yard, all required trees and shrubs shall be located in an abutting planting area that is at least five feet in width along the length of the transitional buffer yard.

b. Trees

1. Trees shall be shade trees, except:
 - (i) Trees located within 15 feet of an overhead power line shall be small-maturing trees; and
 - (ii) Up to 50 percent of required trees where a brick, stone, or stucco wall having a height of at least six feet is included may be small-maturing trees.
2. At least 50 percent of required trees shall be evergreen species in unreduced buffers.

c. Shrubs

1. Shrubs shall be evergreen species expected to reach a height of six feet or greater within five years of planting.
2. Shrubs shall be a minimum of three feet in height when planted.

(e) Street Protective Yards

(1) Purpose

A street protective yard is a landscaped area abutting and parallel to a recorded public street right-of-way designed to:

- a. Provide more pleasing views along travel ways;
- b. Provide for continuity of vegetation;
- c. Reduce the amount of impervious surface and thereby reduce stormwater runoff;
- d. Provide shade; and
- e. Preserve a remnant of Columbia's natural vegetative cover.

(2) Applicability

All new development shall comply with the standards in this subsection, except:

- a. Development that consists solely of a change in land use; and

- b. Development, other than vehicular surface areas, in a zoning district that has a minimum front yard setback of zero feet.
- c. Development that consists of the renovation or reuse of an existing structure where the protective yard would require the reduction in the number of parking spaces in an existing parking lot.

(3) Location

Street protective yards shall be located on the site of the proposed development wherever it abuts an existing or proposed street right-of-way.

(4) Minimum Width

- a. If the minimum front yard setback is greater than ten feet, the minimum width of the street protective yard shall be the width of the minimum front yard setback or 20 feet, whichever is smaller.
- b. If the minimum front yard setback is between zero and ten feet, the minimum width of the street protective yard shall be 10 feet; provided, if the minimum front yard setback is zero feet and ground floor programming is proposed, the minimum width of the street protective yard shall be the minimum width providing adequate planting areas for the healthy growth of required trees to maturity, in accordance with any applicable guidelines and streetscape standards.
- c. Except as provided in b above, notwithstanding any other provision in this Ordinance, a street protective yard shall not have a width of less than five feet as measured from the recorded public street right-of-way abutting the site of the proposed development.

(5) Minimum Area

A street protective yard shall have a minimum area of ten feet times the linear feet of the site of the proposed development that abuts an existing or proposed street right-of-way.

(6) Minimum Plantings

A street protective yard shall comply with the following landscaping standards:

- a. A street protective yard shall contain at least one shade tree for every 40 linear feet of street protective yard or fraction thereof, excluding portions of the street protective yard where driveways are located and areas necessary to avoid intrusion in to sight areas.
- b. A street protective yard shall contain a minimum of one shade tree,

provided, street trees that comply with Sec. 17-6.2(c)(9), Street Trees, shall count toward this requirement.

- c. At least 60 percent of the street protective yard area not used for shade trees or for pedestrian or vehicular access shall be covered in shrubs, ground cover, small-maturing trees, or turf, and all other portions of the street protective yard shall be mulched. A minimum of 75 percent of the area designated on the landscaping plan for grass or ground cover shall be covered by established grass or ground cover within one calendar year from the time of planting.
- d. Within 20 feet of an overhead power line, small-maturing trees spaced between 20 and 30 feet apart on center, unless otherwise necessary to avoid intrusion into sight areas, shall be substituted for required shade trees.

(7) Development Within Street Protective Yards

Development in a street protective yard shall be limited to the following:

- a. Fences and walls;
- b. Retaining walls;
- c. Flagpoles, lamp or address posts, mailboxes, and similar features;
- d. Sidewalks, trails, and bike paths;
- e. Driveways or parking lot aisles having a width of 35 feet or less, provided the centerline of the driveway or parking lot aisle forms a 90-degree angle with the boundary between the site and the right-of-way; and
- f. Stormwater areas treated as site amenities in accordance with Sec. 17-5.5, Open Space.

(f) Vehicular Surface Areas

(1) Purpose

The standards set forth in this subsection for the provision of landscaping in and around vehicular surface areas (parking lots) are designed to:

- a. Enhance their appearance;
- b. Provide shade to reduce heat and glare reflected by paving;
- c. Reduce stormwater runoff;

- d. Filter particulate and gaseous pollutants from the air; and
- e. Reduce the glare of headlights and noise on surrounding properties.

(2) Applicability

The following shall comply with the standards in this subsection:

- a. Any new vehicular surface area (parking lot) whether principal or accessory use;
- b. Any new, additional, or expanded portion of an existing vehicular surface area; and
- c. Any existing vehicular surface area that is used to satisfy the off-street parking requirements for a new building, or the expansion of 75% or more an existing building.

Sec. 17-7.6 Nonconforming Site Features

(a) General

- (1) This Section establishes a mechanism for increasing compliance of nonconforming site features with the standards in this Ordinance as part of the alteration or expansion of a structure on the site.
- (2) For purposes of this Article, the term “nonconforming site features” includes the following:
 - a. Nonconforming off-street parking (see Sec. 17-5.2);
 - b. Nonconforming landscaping (see Sec. 17-5.3); and
- (3) Notwithstanding any provision in this Section, any replacement of nonconforming outdoor advertising sign display surface area shall comply with Sec. 17-7.5(c), Replacement of Nonconforming Outdoor Advertising Signage.
- (4) An alteration, addition, or expansion of a building or structure in accordance with this section shall not increase the degree of nonconformity of a nonconforming site feature.

(b) Alterations of Buildings or Structures

- (1) If an application for a building permit is submitted for the alteration of a building or structure on a site that has one or more nonconforming site features, and if the cost of the proposed alteration, combined with all alterations of the same building or structure during the preceding five-year period, exceeds 25 75 percent of the recorded taxable value of the building or structure at the beginning of the five-year period, the applicant shall bring the

nonconforming site features into compliance in accordance with Table 17-7.6(b): Required Additional Nonconforming Site Feature Compliance for Alterations

TABLE 17-7.6(B): REQUIRED ADDITIONAL NONCONFORMING SITE FEATURE COMPLIANCE FOR ALTERATIONS			
EXTENT OF ALTERATION OF BUILDING OR STRUCTURE	REQUIRED ADDITIONAL COMPLIANCE OF NONCONFORMING SITE FEATURE		
	Landscaping		
Cost of the alteration is less than 75 percent of the value of the building or structure [1][2]	None		
Cost of the alteration is 75 percent or more of the value of the building or structure [1][2]	Minimum landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the alteration of the building or structure, not to exceed full compliance, [3] except for the following standards: <ul style="list-style-type: none">• Sec. 17-5.3(i), Screening: full compliance is required• Sec. 17-5.3(f)(4), Interior Planting Areas: no additional compliance is required• Sec. 17-5.3(h), Site Tree Density: no additional compliance is required		
NOTES:			
[1] The cost of the alteration consists of the cost of the proposed alteration combined with the cost of all alterations of the same building or structure during the preceding five-year period. Costs shall be as shown on the building permit application and shall include the costs of materials and labor.			
[2] The value of the building or structure shall be the taxable value of the building or structure.			

- (2) For purposes of this Subsection, the term “alteration of a building or structure” means any alteration, as defined in the Building Code, of a structure lawfully erected prior to August 30, 2021, excluding any reestablishment of a nonconforming structure in accordance with Sec. 17-7.3(b), Reestablishment after Demolition, Damage, or Destruction, and any repair (other than an addition), as defined in the Building Code.

(c) **Additions and Expansion**

- (1) If an application for a building permit is submitted for the expansion of a building on a site that has one or more nonconforming site features, other than nonconforming signs, and if the increase in gross floor area, combined with all expansions of the building during the preceding five-year period, exceeds 25 15 percent of the total gross floor area of the building at the beginning of the five- year period, the applicant shall bring the nonconforming site features, other than nonconforming signs, into compliance in accordance with Table 17-7.6(c): Required Additional Nonconforming Site Feature Compliance for Expansions.

**TABLE 17-7.6(C): REQUIRED ADDITIONAL NONCONFORMING
SITE FEATURE COMPLIANCE FOR EXPANSIONS**

EXTENT OF BUILDING EXPANSION	REQUIRED ADDITIONAL COMPLIANCE OF NONCONFORMING SITE FEATURE	
	Landscapin g	Parkin g
Less than 25 percent increase in gross floor area [1]	None	
Increase in gross floor area of 25 percent or more but less than 75 percent [1]	Minimum off-street parking and landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the building expansion, not to exceed full compliance, [2] except for the following standards: <ul style="list-style-type: none">• Sec. 17-5.3(i), Screening: full compliance is required• Sec. 17-5.3(f)(4), Interior Planting Areas: no additional compliance is required• Sec. 17-5.3(h), Site Tree Density: no additional compliance is required	
Increase in gross floor area of 75 percent or more [1]	Full compliance with all parking and landscaping standards is required	
NOTES:		
[1] The increase in gross floor area consists of the gross floor area of the proposed expansion combined with the gross floor area of all expansions of the same building during the preceding five-year period. Gross floor area of an expansion shall be as shown on the building permit application.		
[2] For example, assume a site requires a Type B transitional buffer yard, but the current buffer yard has a width of 10 feet and includes 6 shrubs and 5 caliper inches per 100 linear feet. Assume the expansion results in a 30 percent increase in the gross floor area. A compliant Type B transitional buffer yard could have a width of 20 feet, if it included 40 shrubs and 14 caliper inches per 100 linear feet. For the transitional buffer yard standard, one combination of additional width and plantings that would meet the requirements of this section would be an increase in width of 6 feet (20 feet x 30 percent), 12 shrubs (40 x 30 percent) and 4 caliper inches (14 X 30 percent) per linear foot. The result would be a transitional buffer that is 16 feet wide and contains 18 shrubs and 9 caliper inches per 100 linear feet.		
[3] No structure shall be expanded into a transitional buffer yard.		

Requested by:

Assistant City Manager Gentry

Approved by:

Cherise B. Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

Introduced: 7/26/2022
Final Reading: 8/16/2022

[Signature]
Mayor

ATTEST:
[Signature]
City Clerk