ORDINANCE NO. 2025-057

AN ORDINANCE TO AMEND THE ANDERSON COUNTY LAND DEVELOPMENT STANDARDS TO INCORPORATE PROVISIONS FOR MINIMIZING MASS GRADING, PRESERVING NATURAL TOPOGRAPHY, REQUIRING TREE PRESERVATION, AND ESTABLISHING DEVELOPMENT INCENTIVES FOR RESIDENTIAL SUBDIVISIONS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Anderson County is experiencing significant growth, and it is in the public interest to ensure this development protects the environment, minimizes soil erosion, manages stormwater runoff, preserves natural topography, and protects mature trees; and

WHEREAS, mass grading practices and indiscriminate tree removal degrade the natural environment and local aesthetics, and the County wishes to incentivize sustainable land development practices that mitigate these impacts.

NOW, THEREFORE, BE ORDAINED by the Anderson County Council in meeting duly assembled that:

1. That Section 24-367 of the Code of Ordinances, Anderson, South Carolina, is hereby amended to read as shown on Exhibit A, attached hereto and made a part hereof.

2. That the Code of Ordinances, Anderson County, South Carolina, is hereby amended by adding a new Division 9 to Article III of Chapter 28 as shown in Exhibit B, attached hereto and made a part hereof.

3. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

5. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

6. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

ORDAINED in meeting duly assembled this 30th day of December, 2026.

ATTEST:

Rusty Burns
Anderson County Administrator

FOR ANDERSON COUNTY:

Tommy Dunn, District #5, Chairman

Renee D. Watts
Clerk to Council

APPROVED AS TO FORM:

Leon C. Harmon

Anderson County Attorney

1st Reading: November 18, 2025

2nd Reading: December 2, 2025

3rd Reading: December 30, 2025

Public Hearing: December 30, 2025

Exhibit A

Sec. 24-367. - Final approval required.

(a) The final subdivision plat shall be prepared and submitted to the land development administrator by the subdivider within 24 months after the approval of the preliminary plat. If the final plat is not submitted to the land development administrator within that timeframe, preliminary approval shall be null and void unless an extension of time is applied for and granted by the land development administrator. Final plat approval may be given for any phase of a subdivision where a master plan development is clearly indicated on the preliminary plat; provided, however, that once the first phase of any final plat is recorded and 80 percent of the lots in that phase are sold, the subdivider has two years to receive approval and record the final plat for the next phase, using the subdivision regulations as they were approved at the time the preliminary plat for the first phase was recorded. This same timeframe shall hold consistent through the development process for each phase recorded.

(1) Conservation subdivisions may be done in phases, however all phases must be a part of a conservation design master plan that must be approved at the beginning of the development process.

(b) Final plats shall be submitted for approval by to the land development administrator in the following manner:

(1) Five copies of the final plat shall be turned in to the planning department at least 14 working days, but not greater than 20 days, prior to any commission meeting at which the subdivider would like the plat to be considered.

(2) Digital copy of the plat, DWG Cad File.

(3) Any deed restrictions or restrictive covenants then applying to all or a part of the subdivision shall be submitted along with the final plat at the time of submission to the planning department.

(c) Final plats for conservations subdivisions must also include:

(1) Open space table, using the same format as on the preliminary plan, and shall include the proportional acreage being recorded.

(2) Notations indicating the delineated open space, including metes and bounds, are to be shown on the final plat.

(3) Open space easements:

a. Prior to the recording of a subdivision final plat, an easement shall be placed on all lands and private waters used to satisfy the open space requirements of the conservation subdivision.

b. The easement shall be solely for the purpose of ensuring the land remains undeveloped and shall not, in any way, imply the right of public access or any other right or duty not expressly set forth by the terms of the easement.

c. The easement shall run with the land, provide for protection in perpetuity, and be granted to an approved owner and recorded with the county register of deeds. The owner shall include a properly organized property-owners association or other third party approved according to the ordinances of the county.

d. The easement shall include a complete metes and bounds of the property being designated as open space.

(4) Notes to be included on the final plat:

a. This development has been approved by the planning commission as a conservation subdivision and has provided certain acreage of open space.

b. Open space easement. The removal of trees and natural vegetation is permitted in the development phases for the purpose of utility crossing easements, establishment of site-line requirements of the state department of transportation or the administrator, removal of

invasive species according to a plan approved by the administrator, or passive recreational uses and drainage ways with the proper notations on the final plat. Neither the developer, property owners, or other subsequent contractors or builders shall be granted permission to remove or destroy any trees or natural vegetation from the open space areas except by the owner of the easement or the administrator. If some part of the open space was designated to meet stormwater management requirements, permission must be obtained from the county stormwater division for any alteration of the designated open space. Normal maintenance and the removal of dead or fallen trees are permitted and recommended.

(5) Subdivision covenants: the covenants for the subdivision shall include provisions for the protection of trees and other natural amenities within the property designated for open space. A copy of the covenants is to be provided prior to the recording of a final plat.

(d) The planning commission may delegate authority to the land development administrator to approve or disapprove final plats.

(e) All approved final plats must be recorded by the subdivider in the office of the register of deeds within 60 days from the date that approval is granted or said approval shall be void.

(f) In addition to the provisions of subsection (a), the completion of improvements as shown on a preliminary plat must be completed within ~~12~~ 24 months following preliminary plat approval. The land development administrator shall have authority to grant two six-month extensions to this requirement upon a finding of exigent circumstances to warrant such extension. If improvements are not completed with the 24 months time frame and any granted extension, preliminary plat approval is revoked and a new preliminary plat approval will be required.

(Code 2000, § 38-331; Ord. No. 03-007, § 1, 4-15-2003; Ord. No. 2003-069, § 1c, 1-20-2004; Ord. No. 2020-035, § 1(Exh. A), 9-7-2021, § 1, 4-20-2021)

Exhibit B

DIVISION 9. MINIMAL SITE DISTURBANCE AND TREE PRESERVATION

Sec. 24-540. Purpose.

The purpose is to establish standards that encourage site-sensitive design, minimize land disturbance, protect natural features, reduce reliance on mass grading techniques, mandate the preservation of significant trees, and provide clear incentives for developers who exceed these standards.

Sec. 24-541. Definitions.

For the purpose of this ordinance, the following terms shall have the meaning ascribed to them:

Critical Root Zone: A more or less circular area on the ground equivalent to a circle around the trunk with a radius equivalent to 1 foot for every 1 inch in DBH.

Diameter at Breast Height (DBH): Diameter at Breast Height is used for measuring all trees greater than twelve inches caliper. The DBH of a tree is the total diameter in inches of a tree trunk or trunks measured in inches at a height of 4.5 feet above existing grade (at the base of the tree). If a tree trunk splits at ground level and does not share a common base, then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5' mark, all trunks shall be measured separately and count as one tree.

Land Disturbing Activity: Any use of the land by any person that results in a change in the natural cover or topography that may cause Erosion and contribute to Sediment and alter the quality and quantity of Stormwater Runoff. Such activities include, but are not limited to: clearing, removal of vegetation that disturbs the soil, stripping, grading, grubbing, excavating, filling, logging and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.

Lot Mass Grading: The practice of clearing and grading more than fifteen (15) lots concurrently to create artificially uniform and flat homesites, rather than limiting the disturbance and adapting the development to the existing natural contours.

Mass Grading: Land disturbing activity of an area greater than twenty (20) acres at any given time.

Phasing: Dividing a subdivision into sequential stages where land disturbing activity may occur within each phase at one time. A subsequent phase may not

begin land disturbing activity until the previous phase reaches a 70% uniform permanent stabilization density.

Replacement Tree: A tree planted to achieve the required density units and warrantied by the developer for one (1) year from adoption of the final plat or planting, whichever is greater.

Site Fingerprinting: A construction technique that restricts land disturbance (clearing, grubbing, grading) to the minimal area required for roadways, utilities, amenities, and stormwater management facilities without Lot Mass Grading.

Specimen Tree: Any broad-leaved large canopy tree with a Diameter at Breast Height (DBH) of twelve inches (12") or greater or any understory tree with a DBH. of six inches (6") or greater. Specimen trees are awarded double density credits.

Stabilization: The installation of vegetative and/or non-vegetative (structural measures) to establish soil cover to prevent and/or reduce soil Erosion and Sediment loss in areas exposed during the construction process.

Superior Environmental Design (SED) Project: A project that meets specific criteria established in Section 24-544(g) for advanced land preservation and is eligible for county incentives.

Tree Density Plan (TDP): A formal plan prepared by a certified arborist, landscape architect, surveyor, or engineer detailing the location, variety, and size of replacement trees and how they will be protected during construction (e.g., fencing), and mitigation strategies for unavoidable removal.

Tree Density Unit: A unit of measurement used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

Tree Preservation Plan (TPP): A formal plan prepared by a certified arborist, landscape architect, surveyor, or engineer detailing which trees will be preserved, how they will be protected during construction (e.g., fencing), and mitigation strategies for unavoidable removal.

Undisturbed Buffer: A designated area where no land alteration, including clearing, grading, soil removal, or placement of fill, is permitted.

Sec. 24-542.: General Grading Standards and Prohibitions

All land-disturbing activities shall adhere to the following standards:

(a) Conformity to Natural Grade: Development plans must demonstrate a genuine effort to minimize disruption to the natural topography. Building sites, roads, and

infrastructure should conform to existing terrain as much as possible to avoid extensive cut and fill operations and implement site fingerprinting.

(b) Prohibition of Lot Mass Grading: Lot Mass Grading where more than fifteen (15) lots are cleared and graded concurrently to create artificially uniform and flat homesites is hereby prohibited. All development plans for residential subdivisions shall include a note on the plans defining and prohibiting Lot Mass Grading.

(c) Prohibition of Mass Grading: Mass grading is hereby prohibited. All development plans for residential subdivisions shall include a note on the plans stating the site will not be mass-graded.

(d) Maximum Cut and Fill Limits: Cut and fill slopes shall be no steeper than a ratio of three (3) horizontal to one (1) vertical (3H:1V) unless the development qualifies as a SED. Slopes may not exceed 2H:1V unless a geotechnical engineer certifies stability and specialized stabilization is used.

(e) Topsoil Preservation: Topsoil stripped during construction must be stockpiled on-site in designated, protected areas and reapplied to disturbed areas after finish grading to facilitate revegetation.

Sec. 24-543. Tree Preservation Requirements.

(a) Intent: It is the intent of this ordinance to prevent clear-cutting of land when possible and preserve mature and specimen trees.

(b) Tree Preservation Plan (TPP) Requirement: A TPP shall be submitted for all subdivisions seeking tree density credits for the preservation of existing trees. Replacement tree information must be provided when existing tree densities are not adequate to meet the applicable tree density. The TPP must be approved by the Planning Department before any land disturbance (clearing, grading, grubbing) can commence.

(c) Tree Density Plan (TDP) Requirement: A TDP shall be submitted for all subdivisions seeking tree density credits where the preservation of existing trees is not proposed. The location, variety, and size of replacement trees must be identified. The TDP must be approved by the Planning Department before any land disturbance (clearing, grading, grubbing) can commence.

(d) Designated Preservation Areas: The TPP shall clearly delineate "Tree Preservation Areas." Protective fencing shall be erected at the outer limits of the Critical Root Zone of all trees within these areas prior to construction activity, and no grading, storage of materials, or vehicular traffic shall occur within these protected zones.

(e) Removal of Specimen Trees: The preservation of specimen trees is highly encouraged. Mitigation (replacement tree plantings) is required for compliance with applicable tree density requirements. Compliance with applicable specimen and replacement tree densities shall be reflected in the TPP or civil plans when a TPP is not required due to no existing trees being preserved.

Sec. 24-544. Plan Submission Requirements and Development Incentives.

All subdivision plans must meet the requirements of this section. Projects that meet the minimum requirements for preserving natural land features outlined in subsection 24-544(g) are eligible for the incentives found there.

(a) Phased Grading Plans: For all subdivisions that require more than twenty (20) acres of land disturbance, phasing of the disturbed areas not to exceed twenty (20) acres at any given time must be implemented. The phasing of the disturbed areas must be clearly delineated in the civil plans.

When clearing and grading lots not in conformity with natural topography and creating artificially uniform and flat homesites, a phased disturbance plan for lots must be implemented. Phasing consists of limiting the lot disturbance to any fifteen (15) lots per phase. At any given time, the total area of land disturbance may not exceed twenty (20) acres and must be within a single phase.

Each phase must be clearly delineated and permanently stabilized to a density of seventy percent (70%) before the next phase begins.

(b) Disturbance Area Calculation: The plan shall clearly indicate the proposed limits of disturbance. The total disturbed area for each lot in a subdivision shall be identified and limited.

(c) Grading Setbacks and Buffers: A minimum ten-foot (10') undisturbed natural buffer shall be maintained from all subdivision side and rear property lines. These buffers shall be designated as Tree Preservation Areas if they contain significant vegetation. Preserved trees within this buffer may apply to the one (1) tree per lot minimum requirement for immediately adjacent to preserved trees in the buffer.

(d) Tree Density: Minimum preserved or planted trees shall be equal to 10 density units per disturbed acre (see charts in sections 24-544(e) and 24.544(f) with a one (1) tree per lot minimum.

(e) Density Units for Planted Trees

Conversion from DBH to Density Units for Replacement/Planted trees*

Caliper - DBH	Density Units

1.25"	0.5
2"	1.0
3"	1.2
4"	1.4
5"	1.6
6"	1.8
7" and larger	2.0

(f) Density Unit Credit for Preserved Trees.

Conversion from DBH to Density Units for Preserved Trees

Caliper - DBH	Density Units
1 - 2"	1.0
3 - 4"	1.4
5 - 7"	1.8
8 - 9"	2.0
10"	2.4
11"	2.8
12"	3.2
13"	3.3
14"	3.4
15"	3.5
16"	3.6
17"	3.7
18"	3.8
19"	3.9
20"	4.0
21"	4.8
22"	5.2
23"	6.7
24"	9.3
25"	10.2
26"	11.2

27"	12.0
28"	12.9
29"	13.8
30"	14.7
31"	15.5
32"	16.8
33"	17.7
34"	18.9
35"	20
36"	22
36 - 42"	27
43 - 48"	36
49 - 54"	45
55 - 60"	54
61 - 66"	63
67 - 72"	72

(g). Superior Environmental Design (SED):

(1) Eligibility: A project is eligible for SED incentives if the developer formally commits to and receives approval for:

(i) Preserving at least thirty percent (30%) of the subdivision's area as permanent, undisturbed open space/natural buffer excluding standard required setbacks on lots and stormwater management facilities. Floodplains and riparian buffer areas may apply.

(ii) Preserving or planting trees in the developed area at sixteen (16) density units per acre with a minimum of one (1) tree per lot.

(iii) Using on-site Low Impact Development (LID) techniques to manage at least the first inch of stormwater runoff from at least 10% of the project's disturbed area while incorporating "site fingerprinting" techniques. Acceptable LID practices are Anderson County Standard Specification WQ-03 – WQ-09 and WQ-11 found in Appendix K of the Anderson County Stormwater Design Manual.

(2) Density Bonus (Residential): Eligible residential SED projects may apply for a density bonus, allowing a decrease in the lot area by up to ten percent (10%),

but in no case may a lot be less than 6,000 square feet, provided that adequate infrastructure capacity exists and the bonus area is used to cluster units, maximizing open space preservation.

(3) Flexible Design Standards: For eligible SED projects, the County may approve modifications to standard development regulations, subject to the following limitations:

(i) Setbacks: Required yard setbacks may be reduced by up to ten (10) feet; however, no resulting setback may be less than ten (10) feet in width.

(ii) Slopes: Slopes steeper than the standard 3 horizontal feet to 1 vertical foot (3H:1V) ratio may be permitted. However, approved slopes must be permanently stabilized within five (5) business days of completion and must not exceed a ratio of 2 horizontal feet to 1 vertical foot (2H:1V).

(iii) All approved modifications must demonstrate that the proposed design furthers the goal of minimizing overall site disturbance.

Sec. 24-545. Enforcement and Penalties.

Violations of this ordinance, including failure to adhere to approved TPPs, TDPs or grading plans, are subject to civil penalties of up to $500 per day, fines for unpermitted tree removal of up to $500 per tree, and orders to stop work. Failure to maintain the standards required for an awarded incentive may result in revocation of permits and required modifications to meet standard ordinance requirements. Failure to maintain the standards and adhere to any TPP, TDP, or grading plans, or violations of the same, can result in Anderson County seeking injunctive relief in a court of competent jurisdiction. Such injunctive relief may be in the form of judicial orders to stop work or judicial orders to require the remediation of violations of the plans.

Sec, 24-546. Appendices.

APPENDIX A ALLOWABLE TREE LIST

* Adaptable to urban conditions

I. LARGE OR CANOPY TREES		
	Common Name	Botanical Name
*	Ash, White	Fraxinus Americana, 'Georgia Gem'
	Basswood, American (Linden)	Tilia Americana
	Beech, American	Fagus Grandifolia
*	Blackgum (Tupelo)	Nyssa Sylvatica
	Coffee Tree, Kentucky	Gymnocladus Dioicus, 'Expresso', 'Stately Manor'

	Elm, American	Ulmus Americana, 'Princeton', 'New Harmony', 'Valley Forge'
*	Elm, Chinese	Ulmus Parvifolia, 'Allee', 'Bosque'
*	Elm, Winged	Ulma Alata
	Hackberry, Sugar	Celtis Laevigata
*	Magnolia, Southern	Magnolia Grandiflora, 'Bracken Brown Beauty', 'Little Gem', 'Claudia Wannamaker'
*	Maple, Red	Acer Rubrum, 'October Glory', 'Red Sunset', 'Autumn Flame'
*	Maple, Southern Sugar	Acer Barbatum
	Maple, Suar	Acer Saccharum, 'Green Mountain', 'Legacy', 'Autumn Blaze'
	Oak, Laurel	Quercus Hemisphaerica, 'Darlington'
	Oak, Nuttall	Quercus Nuttalli
	Oak, Pin	Quercus Palustris
	Oak, Shumard	Quercus Shumardii
	Oak, Water	Quercus Nigra
	Oak, Willow	Quercus Phellos
	Planetree, London	Platanus Acerifolia, 'Bloodgood', 'Columgia', 'Liberty', 'Yarwood'
	Poplar, Yellow (Tulip)	Liriodendron Tulipifera
	Yellowwood, American	Cladrastis Kentukea
II. MEDIUM OR UNDERSTORY TREES		
	Common Names	**Botanical Names**
	Birch, River 'Heritage'	Betula Nigra 'Heritage', 'Dura-Heat'
	Cedar, Deodora	Cedrus Deodora
	Cedar, Japanese	Cryptomeria Japonica
	Cedar, Eastern Red	Juniperus Virginiana
	Cherry, Autumnalis	Prunus Subhirtella 'Autumnalis'
	Cherry, Yoshino	Prunus X Yeodoensis
	Cypress, Leyland	Cupressocyparis Leylandii
	Dogwood, Kousa	Cornus Kousa
	Flame Tree, Chinese	Keolreuteria Bipinnata
	Golden Rain Tree	Koelreuteria Paniculata, 'September'
	Holly, American	Ilex Opaca
	Holly, Variety	Ilex Species Ilex X Attenuata, 'Foster', Ilex X Attenuata, 'Savannah'
	Holly, Yaupon	Ilex Vomitoria
	Honey Locust	Gleditsia Triacanthos, Var. Inermis
	Hophorn Beam, American	Ostrya Virginiana
	Hornbeam, European	Carpinus Betulus
	Hornbeam, American (Ironwood, Blue Beech)	Carpinus Caoliniana

	Magnolia, Sweet Bay	Magnolia Virginiana
	Magnolia, Hedge	Acer Campestre, 'Queen Elizabeth'
	Redbud, Eastern	Cercis Canadensis 'Forest Pansy', 'Oklahoma', 'Texas White'
	Sourwood	Oxydendrum Arboreum
III. SMALL TREES		
	Common Name	**Botanical Name**
	Fringe Tree (Grancy Brey Beard)	Chionanatus Virginicus
	Maple, Amur	Acer Ginnala
	Maple, Japanese	Acer Palmatum
	Maple, Trident	Acer Buergeranum
	Serviceberry, Downy	Amelanchier Arborea