

AN ORDINANCE

AN ORDINANCE TO ESTABLISH A TREE STANDARDS AND PRACTICES FOR NEW LAND DEVELOPMENT; FOR INDUSTRIAL, COMMERCIAL, RETAIL, INSTITUTIONAL, RECREATIONAL, AND RESIDENTIAL DEVELOPMENT, AND FOR MULTIPLE UNIT SUBDIVISIONS.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to mitigate the adverse effects of the loss of trees in Greenville County occurring as a result of residential, commercial, institutional and industrial land development practices. The intent of this ordinance is to protect the rights of all citizens and property owners by insuring that a reasonable and prudent policy of conservation and replenishment of tree cover is applied during the process of land development.

Trees and tree cover provide positive benefits to all residents of Greenville County. Healthy trees reduce air, water, and noise pollution, provide energy-saving shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride, and quality of life. The loss of trees and tree cover associated with mass grading and of other development practices can negatively impact human health, environment quality, the overall quality of life and general property values. The loss of trees and tree cover resulting from development practices can have adverse affects on air quality, water quality, storm water runoff, property values, business revenues, scenic quality, urban design, human health and well-being, outdoor recreation, forest products, and wildlife.

Section 2. General Policy. It is the policy of Greenville County to protect and preserve established healthy trees where possible and practical; to require the planting of trees to replace the trees lost due to development; to require reasonable maintenance after planting; and to provide public education on the benefits of trees, tree conservation, and tree care.

Section 3. Application and Exemptions.

(A) Application. The provisions of this ordinance shall apply to all new development except that land disturbing activity that disturbs less than one acre of land, is not part of a larger common plan development, does not fall under the NPDES Industrial Storm Water Permit, or does not create a peak flow increase of greater than one cubic foot per second. For purposes of this ordinance, "new development" is defined as any development for which a grading permit is required, with the exception of a "simplified grading permit", after the effective date of the ordinance. Developments with Planning Commission approval on the effective date of the ordinance are exempt from the requirements of this Ordinance if development activity is commenced within two years of the approval of this ordinance.

(B) Exemptions. This ordinance shall not apply to individual dwelling lots, farms, undeveloped acreage, agricultural acreage, existing commercial or industrial properties, or any other real property that is not being developed (or redeveloped), substantially changed, or subdivided as described in Subsection (A) above.

Section 4. Tree Protection Plans. Tree Protection Plan (TPP) is a plan of the same scale as, and superimposed on a development site plan or preliminary plat, that indicates the Root Protection Zone of all trees to be protected or preserved on a development site. TPP shall locate and identify by species and size those trees that are to be protected during land disturbance (development) activities for the purpose of using the protected trees to comply with the “tree density units” required by this Ordinance. No existing tree can be used for “tree density credit” unless it is shown on a TPP that has been approved by the County under the terms and conditions of this Ordinance.

A TPP is required if the developer is going to use tree credits for existing trees. A TPP is not required if the developer is not going to use existing trees for tree credits and/or is going to mass grade the parcel of land being developed. The developer shall submit a TPP prior to any grading or clearing activities and the issuance of a grading permit. The tree protection plan, when required, along with the approval letter from the County, shall be submitted with the grading permit application.

When required, a TPP will be prepared after the proposed land development plan has been given preliminary approval by the appropriate governing authority. This allows the TPP to identify those areas where trees that will be subject to removal based on the development plan as well as those trees that are the best candidates for being saved and used to meet tree density requirements. Trees that are in flood plains, undevelopable areas on the property and required stream buffers do not have to be located or identified on the TPP unless they are being used to meet the minimum “tree density units” for the acreage requirements in Sections 8 and 9 of this Ordinance.

The TPP shall show the required tree protection areas for the trees to be saved and used for tree unit credit. Upon receipt of a Tree Protection Plan, the County will review the plan for compliance with the density units and tree protection measures within 15 calendar days of receipt. If the submitted TPP does not meet the technical requirements of this Ordinance, staff will ask the developer for additional information or a revised plan.

If during the review process, it is determined that specimen or heritage trees are on the site and are in areas that are to be part of the land development activity, the developer may be asked to consider minor redesign of the development plan for the purpose of saving the heritage or specimen tree(s). Upon approval by the County, a saved Heritage or Specimen tree will receive 2.0 times the credits published in Section 11 for the DBH of the tree being saved.

As an incentive for a developer to preserve trees and exceed the required tree density unit credit by 10% or more, the developer may be awarded financial and administrative incentives by the County (for example, expedited permitting and/or a 2% density bonuses for each 10% density overage up to 10% total bonus). Developers who incorporate approved land use

conservation practices to protect tree roots, reduce run-off and erosion, and to increase water infiltration using pervious pavement and rain gardens, may be allowed to reduce curbs and gutters, storm water pipes and inlets, receive a variation on retention ponds and other drainage abatement practices.

Section 5. General Criteria for Tree Conservation in all new Developments. The following requirements shall apply to all new land development projects:

(A) On-site tree planting is encouraged.

(B) Existing trees in ungraded areas, excluding stream buffers, shall count in all project types toward the density unit requirements, provided they meet the tree protection area requirements.

(C) All trees to be saved and credit received, must be identified on a TPP and must provide a root protection zone equal to a six-foot radius around the tree or a one-foot radius from the trunk of the tree per each inch of diameter at breast height (“dbh”), whichever is greater. All trees to receive credit must be healthy and in good condition and are subject to review by the County. The County may approve an exception of up to 35% of the Root Protection Zone requirement, but if the exception is granted, the density unit credit for the existing tree will be reduced by 50%. All construction practices for protecting existing trees (including protective barriers and identification of tree protection areas) shall be consistent with International Society of Arboriculture and American National Standards Institute standards whenever possible.

(D) In accordance with the provisions of Section 4, unless no tree credits are going to be sought, prior to any grading or clearing activities on a lot or parcel for development and applying for a grading or building permit, the developer shall have conducted a tree survey identifying the location and size of trees to be used for tree credits and they shall be shown on a TPP survey.

(E) The design of any land development project or subdivision shall take into consideration the location of all Heritage Trees, Specimen Trees, and stands of Trees. The County, at the request of the developer or landowner, may field survey the site and identify opportunities and incentives to save said trees.

(F) The County has the authority to postpone required tree planting until the appropriate planting season.

(G) The buffer requirements of this ordinance shall be in addition to the landscaping and screening requirements in Ordinance No. 4048 of the Greenville County Zoning Ordinance. In the event of conflicts between the two ordinances, the most restrictive shall apply.

(H) In perimeter buffers and setbacks, canopy trees cannot be placed closer than 15 feet on center except for evergreen trees, which may be placed 10 feet on center.

(I) A tree warranty must be provided by the contractor, who must adequately maintain trees for the first year after planting. After one year, tree maintenance is the responsibility of the property owner.

Section 6. Buffer Criteria.

(A) A buffer shall be established along each side of all blue line streams in new developments. Consistent with Greenville County Code 18-24, a 15-foot drainage easement is required on normally dry waterways. A 15-foot drainage easement is required from the top of the stream bank on each side of live streams draining less than 50 acres. A 35-foot wide stream buffer is required on each side of all stream banks for live streams draining 50 acres or more. The stream buffer may be wooded or non-wooded. New and replacement trees required to be planted under this Ordinance may be planted in the stream buffers. The management requirements for stream buffers are:

- (1) The existing vegetation within the stream buffer shall not be disturbed except as provided in (B) below. This prohibition includes, but is not limited to, disturbance by tree removal, shrub removal, clearing, mowing, burning, spraying, and grazing.
 - (2) Soil disturbance shall not take place within the stream buffer by grading, stripping of topsoil, plowing, cultivating, or other practices, except as provided in (d) below.
 - (3) Filling or dumping shall not occur within the stream buffer.
 - (4) Except as permitted by the County and/or State, the stream buffer shall not be drained by ditching, under drains, or other drainage systems unless an existing drainage system is in place that adequately services the new uses.
 - (5) Motorized vehicles shall not be stored or operated within the stream buffer, except for maintenance and emergency use approved by the Building Official and Zoning Administrator.
- (B) The following structures, practices, and activities are permitted in the stream buffer:
- (1) Roads, bridges, trails, storm drainage, storm water management facilities, and utilities approved by Greenville County and/or the State of South Carolina are permitted within the buffer provided that no other practical alternative exists and that minimal disturbance will take place. Simple road crossings, close to perpendicular to the buffer, are permitted. All structures shall be located, designed, constructed, and maintained to provide optimum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality.
 - (2) Stream restoration projects, facilities and activities approved by Greenville County or the State of South Carolina are permitted within the stream buffer.
 - (3) Scientific studies approved by the department, including water quality monitoring and stream gauging, are permitted within the stream buffer.
 - (4) Horticulture practices, including thinning and planting, may be used to maintain the health of individual trees in the stream buffer.

(5) Hazard trees and invasive species in the buffer may be removed. Removal of trees in the buffer must be accomplished using equipment with which a minimal disturbance will take place.

(6) Other forest management and timber cutting techniques approved by Greenville County and/or the State of South Carolina may be undertaken within the buffer if necessary to preserve the buffer from extensive pest infestation, disease infestation, or threat from fire.

(C) Minimum 25-foot undisturbed buffer on all sides of jurisdictional wetlands is required. Buffers shall not apply to the specific wetlands, other than blue line streams, for which an impact permit has been issued by SCDHEC and/or the USACE. If a jurisdictional wetland falls below the minimum size required for a permit by SCDHEC and/or USACE, no buffer is required.

(D) The acreage contained within the stream buffer(s) shall count toward the allowable density when developing under provisions of either option in an Open Space Residential Development.

(E) The buffer requirements of this ordinance shall be in addition to the landscaping and screening requirements in Ordinance No. 4048 of the Greenville County Zoning Ordinance. In the event of conflicts between the two ordinances, the most restrictive shall apply.

Section 7. Density Variances and Appeals.

(A) In the event that the density unit requirements can not be achieved on site, the developer may elect to make an application to the Greenville County Board of Zoning Appeals for a variance. The variance may be granted in an individual case of unnecessary hardship if so determined by the Board of Zoning Appeals. Variance applications shall be processed and governed by the requirements for other variances as set forth in the Greenville County Zoning Ordinance, as amended. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be a violation of this Ordinance and punishable under Section 14. The Board of Zoning Appeals shall have authority to waive density requirements of this Ordinance through the grant of a variance.

(B) Orders, decisions or determinations made by the County relative to the application and interpretation of this ordinance may be appealed to the Board of Zoning Appeals. All appeals must be made in compliance with the rules and procedures of the Board of Zoning Appeals. Applications for appeal shall be based on a claim that the intent of this Ordinance, or the rules legally adopted there under, have been incorrectly interpreted; or the provisions of this ordinance do not fully apply.

Section 8. Provisions for Residential Projects. The following requirements shall apply to residential projects:

(A) Minimum preserved or planted trees shall be equal to 10 density units per disturbed acre (see charts in Sections 10 and 11) as described in the required grading permit for all projects.

(B) Dwelling, Single Family Detached; Dwelling, Two-Family; and Dwelling, Zero Lot Line:

- 1) In addition to the required 10 density units per disturbed acre, two (2) trees are required per lot for developments zoned for a gross density of greater than 3.63 units per acre and four (4) trees per lot for developments zoned for a gross density of less than 3.63 units per acre. (3.63 units per acre conforms with R-12 zoning density.) Each tree shall have a minimum caliper of 1.25 inches.
- 2) It is the intent of the “trees per lot” requirement, that the trees be planted on the individual lots; however, in dense developments, some of the “lot trees” may be planted elsewhere on site, provided there is not adequate growing space on the lot for multiple trees.
- 3) In residential projects with units intended for workforce or affordable housing, the developer may apply to the County to use 3-gallon trees to be planted to meet the trees per lot requirement so long as the tree species is on the Recommended List in Appendix A. The variance shall be subject to the condition that the specified project units are constructed and maintained primarily for affordable and workforce housing.

(C) Dwelling, Multiple Family and Dwelling, Single Family Attached:

- 1) Minimum preserved or planted trees shall be equal to 2 density units per 4,000 SF of the building footprint.
- 2) All multiple family and single family attached development shall comply with the parking lot landscaping standards in Section 12.4 of the Greenville County Zoning Ordinance, 2007 edition.

(D) In the case of a phased development, the tree warranty requirement will apply to each phase upon completion of buffer plantings.

Section 9. Provisions for Public Recreation, Industrial, Commercial, Retail, and Institutional Projects. The following requirements shall apply to all public recreation, industrial, commercial, retail, and institutional projects:

(A) In the zoned areas of the County, all Public Recreation, Industrial, Commercial, Retail, and Institutional Projects shall comply with the parking lot landscaping standards in Section 12.4 of the Greenville County Zoning Ordinance, as amended.

(B) Minimum preserved or planted trees shall be equal to 15 tree density units per disturbed acre (see charts in Sections 10 or 11) as described in the required grading permit.

(C) In the zoned areas of the County, current zoning requirements for buffers, screens, and/or fences along the common line with residential uses shall remain.

Section 10. 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

* A maximum of 25 per cent of the total number of required trees in buffers may be non-loblolly pine trees and 0.10 density units can be used for each 3 gallon pine.

Section 11. Density Unit Credits for Preserved Trees.

Conversion from DBH to Density Units for Preserved Trees

1-2”	1.0	20”	4.0	34”	18.9
3-4”	1.4	21”	4.8	35”	20
5-7”	1.8	22”	5.2	36”	22
8-9”	2.0	23”	6.7	36”-42”	27
10”	2.4	24”	9.3	43”-48”	36
11”	2.8	25”	10.2	49”-54”	45
12”	3.2	26”	11.1	55”-60”	54
13”	3.3	27”	12.0	61”-66”	63
14”	3.4	28”	12.9	67”-72”	72
15”	3.5	29”	13.8		
16”	3.6	30”	14.7		
17”	3.7	31”	15.5		
18”	3.8	32”	16.8		
19”	3.9	33”	17.7		

Section 12. Definitions.

Affordable /Workforce Housing – Affordable Housing is housing for persons in households earning 30 to 80 percent of the area median income (AMI), while Workforce Housing is housing for persons in households earning 80 to 120 percent of the AMI.

Blue Line Stream: Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS).

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Front Buffer: A zone of specified distance between a specified land use and a roadway fronting the land use.

Perimeter Buffer: A zone of specified distance surrounding a specified land use.

Planted Buffer: A zone of specified distance between a specified land use and other properties, streets, streams, or other geographic area in which plants are installed.

Stream Buffer: A natural or vegetated area adjacent to water courses through which storm water runoff flows in a diffuse manner so that the runoff does not become channeled and which provides for the infiltration of pollutants.

Ungraded Buffer: That portion of a lot set aside for open space and or visual screening purposes. Any such ungraded buffer shall not be graded or otherwise disturbed, and shall be left in a natural state or supplemented with additional plantings, if specified. No storage, structures, or other non-growing items may be placed in the buffer.

Caliper: The diameter of a tree trunk measured 6 inches above the ground on trees with calipers of 4 inches or less and measured 12 inches above the ground for trees between 4 and 12 inches caliper. For trees larger than 12 inches caliper, see Diameter at Breast Height.

Clearing: Removing trees and stumps and all woody debris and other vegetation from an area of land.

Commercial: Of or pertaining to trade or production which deals with the exchange of goods and/or services from producer to final consumer, including but not limited to entertainment, mercantile trade, finance, real estate, and all other commercial services, including tourism.

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.

Dwelling, Multiple Family – A residential building containing three or more individual dwelling units located on a single lot or parcel of ground, commonly called an apartment house.

Dwelling, Single Family – A residential building containing only one dwelling unit and not intended to be occupied by more than one family.

Dwelling, Single Family Attached – Two or more single-family dwelling units, each with its own outside entrance, which are generally joined together by a common party wall or connecting permanent structures such as breezeways, carports, or garages, whether or not such a group is located on a single lot or parcel of ground or on adjoining individual lots. For the

purpose of this Ordinance, dwellings such as townhouses and condominiums shall be treated as single-family attached dwellings.

Dwelling, Single Family Detached – A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot. See Dwelling, Zero Lot Line.

Dwelling, Two-family – A residential building containing two individual dwelling units located on a single lot or parcel of ground; a duplex.

Dwelling, Zero Lot Line – A single-family dwelling that has a zero-foot setback from a side and/or rear property line. For purpose of this Ordinance, a zero lot line dwelling shall be treated as a single-family detached dwelling.

Flood Plain: A relatively flat or low area adjoining a river, stream or watercourse which is subject to partial or complete inundation, or an area subject to unusual and rapid accumulation of runoff of surface areas. These areas are defined as “Special Flood Hazard Areas” in the County Flood Damage Prevention Ordinance No. 4085.

Grading: As defined by SCDHEC, grading means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition; and which requires a grading permit.

Grading Permit: Written authorization issued by the Public Works Land Development Division to proceed with clearing and grading activities on a site or a portion of a site. The permit may include clearing, clearing and grubbing, grading, and storm drain installation.

Simplified Grading Permit: Land disturbing activity that disturbs less than one acre of land, is not part of a larger common plan of development, does not fall under the NPDES Industrial Storm Water Permit, or does not create a peak flow increase of greater than one cubic foot per second. Development qualifying for a Simplified Grading Permit is exempt from this Ordinance.

Hazard Tree: A tree that has defects in its roots, trunk, or branches that make it likely to fall and cause personal injury or property damage.

Heritage or Historic Tree: A tree that is designated by the County to be of notable historical significance, value or interest because of its age, size, or cultural significance. As time and resources allow, a voluntary list of historic and unique specimen (extremely large, old, and/or uncommon) trees may be compiled as a matter of public record. Trees that are listed on the Historic and Specimen Tree List would not be protected from any use its owner may desire. However, if Heritage trees, and /or Specimen trees (defined below), are preserved during land development, they are given double tree density unit credits.

Historical Significance: A tree is considered to be of historical significance if it is associated with important themes or events in the County's history, such as early settlement or important events, or if it is a rare example of a species.

Impact Permit: Nationwide or individual wetlands/waters impact permit obtained from SCDHEC or USACE.

Impervious Surface: A surface that does not allow water to penetrate as opposed to a pervious surface that does allow water to filter through.

Incentives: Financial or administrative inducements, such as density bonuses and expedited permitting, that encourage and motivate the desired intent of preserving and planting trees and increasing water infiltration and reducing water run-off and soil erosion. Incentives might also be extended to non-profit and community organizations as well as private landowners who would plant additional trees if incentives were available, but do not want to develop their property.

Industrial: Enterprises engaged in any activity that is not otherwise considered to be residential, recreational, or commercial, as defined herein. Such activities include, but are not limited to: processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be assembling electrical appliances, bottling, foodstuffs, and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, and the production of items made of stone, metal, or concrete.

Institutional: All activities related to an established organization, especially one dedicated to education, public service, culture or the general care of the public and public administration.

Invasive species: Non-native or exotic species that tend to growth rapidly and out-compete and displace native species in specific habitats; e.g. kudzu.

Irrigation: To provide dry land with a regular, artificial supply of water for the purpose of supplying sufficient moisture for plant growth.

Jurisdictional Wetlands: An area that meets the definitional requirements for wetland boundaries by the U.S. Army Corps of Engineers, as required by the Clean Water Act, 33 U.S.C.A. Section 1344, as amended.

Land Development: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving or the installation of impervious cover.

Land Development Project: A project that results from, or is facilitated by, land development.

Lot: A parcel of land designated by number or other symbol as a part of a legally approved and recorded subdivision or as described by metes and bounds and recorded in the office of the Greenville County Register of Deeds.

New Development: Any development, for which a grading permit is requested after the effective date of the ordinance with the exception of currently existing, platted lots where Planning Commission approval for currently existing site development was obtained prior to the effective

date of the ordinance and construction is commenced within two (2) years of Planning Commission approval.

Pervious Surface: A permeable surface that allows water to percolate into the sub-strata of the land.

Public Recreation Project: Uses intended to provide viewing or participation in such activities commonly related to sports and leisure activity.

Retail: Business whose primary purpose is the sale of merchandise to consumers.

Root Protection Zone: The land area around the base of a tree in which disturbances are prohibited to protect the roots of the tree and aid the tree's survival. Root Protection Zone areas shall be the greater of a) a six foot radius around the tree or b) one foot for every inch of tree diameter measured at a point 4.5 feet above ground. Root zone protection area measurements shall be rounded off to the nearest foot.

SCDHEC: South Carolina Department of Health & Environmental Control

Screen: Plant materials and landscape or architectural elements used for the purpose of obscuring views, noise, and light or glare from neighboring properties and, where required, road rights-of-way.

Site Design: A process of intervention involving the location of roadways and other travel structures, dwellings and buildings, utilities, while preserving existing natural and man-made site features. The process encompasses many steps from planning to construction, initial inventory, site assessment, alternative analysis, detailed design, and construction procedures and services.

Site Plan: A plan that outlines the use and development of any tract of land. Features on the plan may include proposed improvements, size of buildings, shape of buildings, location of buildings, location and design of roads and parking areas, refuse areas, and pedestrian and vehicular circulation on the site.

Specimen Tree: Any tree that has been determined by the County to be of high value because of its type, size, age, or other professional criteria. Specimen trees are outstanding and therefore deserving of special protection because of their rarity, appearance, or scientific importance. Different species of trees require different caliper sizes to qualify as specimen trees, but are generally 30 inches or larger. This may be on the basis of outstanding age, size, and aesthetic merit, connection to an important historic event, scientific value, or occurrence in a unique location or context. Specimen trees are awarded double density credits.

Stand (of trees): A contiguous grouping of trees which has been designated for preservation by the property owner or determined to be of value by the County which demonstrates: (a.) a relatively mature even-aged stand; (b.) a stand with purity of species composition or of a rare or unusual nature; (c.) a stand of historical significance; or (d.) a stand with exceptional aesthetic quality.

Stream Bank: The sloping land that contains the stream channel and the normal flows of the stream.

Survey: Drawing illustrating all essential data pertaining to the boundaries of a parcel of land as determined by a SC Registered Land Surveyor

Tree: Any self-supporting woody perennial plant, whether evergreen or deciduous, of a species which normally reaches a height of ten feet or more at maturity.

Tree, Canopy or Shade: Any single-stem tree of a species which normally reaches a height of 30 feet or more and a crown spread of 20 feet or more at maturity.

Tree, Understory: Any single- or multi-stem tree of a species which normally reaches a mature height of between 10 and 29 feet and a crown spread of less than 20 feet at maturity.

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 Survey: A tree survey shall include two components: (a) A land survey, completed by a registered land surveyor, as part of a site plan application. (b) A site plan on which all trees intended to be preserved to meet the density requirements of this ordinance shall be identified by species and size by a South Carolina licensed forester, landscape architect or certified arborist. All drawings shall be stamped and sealed.

Tree Warranty: A guarantee of tree vitality for one year from the time of planting.

Undisturbed: Not having been subjected to land or vegetation change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land.

USACE: United States Army Corps of Engineers.

Section 13. Violations – Civil Penalties and Enforcement. Violations of the provisions of this ordinance by any individual, firm, partnership, corporation, or agent, shall be a civil infraction, punishable by a fine of up to \$250. Each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed or continued shall constitute a separate offense. Greenville County may also seek injunctive relief, issue “stop work” orders or may institute any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

Section 14. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 15. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 16. Effective Date. This Ordinance shall take effect upon its adoption.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2008.

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator

ATTEST:

Theresa B. Kizer
Clerk to Council

Appendix A

RECOMMENDED TREE LIST

* Adaptable to urban conditions

I. LARGE OR CANOPY TREES

Common Name	Botanical Name
* Ash, White	Fraxinus Americana, 'Georgia Gem'
Basswood, American (Linden)	Tillia Americana
Beech, American	Fagus Grandifolia
* Blackgum (Tupelo)	Nyssa Sylvatica
Coffee Tree, Kentucky	Gymnocladus Dioicus, 'Espresso', 'Stately Manor'
Elm, American	Ulmus Americana, 'Princeton', 'New Harmony', 'Valley Forge'
* Elm, Chinese	Ulmus Parvifolia, 'Allee', 'Bosque'
* Elm, Winged	Ulma Alata
* Ginkgo (Male)	Ginkgo Biloba
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 Maple, Sugar	Acer Barbatum 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
* Pine, Virginia	Pinus Virginiana
* Planetree, London	Platanus Acerifolia, 'Bloodgood', 'Columgia', 'Liberty', 'Yarwood'
* Poplar, Yellow (Tulip)	Liriodendron Tulipifera
* Redwood, Dawn	Metasequoia Glyptostroboides
Yellowwood, American	Cladrastis Kentukea
* Zelkova, Japanese	Zelkova Serrata, 'Green Vase'

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 Yedoensis
* Crape Myrtle	Lagerstroemia Indica
* Cypress, Leyland	Cupressocyparis Leylandii
Dogwood, Kousa	Cornus Kousa
* Flame Tree, Chinese	Koelreuteria 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
* Katsuratree	Cercidiphyllum Japonicum
* Magnolia, Sweet Bay	Magnolia Virginiana
* Magnolia, Hedge	Acer Campestre, 'Queen Elizabeth'
* Pistache, Chinese	Pistacia Chinensis
Redbud, Eastern	Cercis Canadensis
Sourwood	'Forest Pansy', 'Oklahoma', 'Texas White'
	Oxydendrum Arboreum

III. SMALL TREES

Common Name	Botanical Name
Fringe Tree (Grancy Grey Beard)	Chionanatus Virginicus
Maple, Amur	Acer Ginnala
Maple, Japanese	Acer Palmatum
* Maple, Trident	Acer Buergeranum
Serviceberry, Downy	Amelanchier Arborea