

Keeping the GREEN in GREENville

January 25, 2008

GREENVILLE COUNTY HAS A TREE ORDINANCE!

The roller coaster ride finally came to an end last Tuesday night (January 22): Greenville County enacted a tree conservation ordinance!

County Council had been considering four different versions of the ordinance: (1) the ordinance recommended by the Tree Advisory Committee after two years of hard work; (2) the ordinance drafted by Council member Fred Payne; (3) the ordinance drafted by Council member Willis Meadows; and (4) the ordinance drafted by Council Chairman Butch Kirven.

The Advisory Committee's ordinance was hardly ideal but it was certainly the best of the four being considered by Council. It was the one that passed at first reading.

At second reading Mr. Payne offered his amendments, which significantly weakened the original ordinance, but they were not approved. Then Council deadlocked 6 to 6 on the original ordinance, amended slightly by Mr. Kirven. This tie vote temporarily killed the ordinance.

At its next meeting Council voted to reconsider the ordinance (second reading). Mr. Meadows then presented a drastically different, five page ordinance that applied only to residential development. Even more shocking was that Council voted 9 to 3 to approve it! This ordinance was pathetically weak—the County would have been better off having no ordinance than this one. Nancy Fitzer, *Upstate Forever's* Education Director, explained why in an op-ed in *The Greenville News*: www.upstateforever.org/newsviews/ufnews/UFN_2008/ufn080121GN_treeOrdTookWhack.pdf

At its meeting last Tuesday, Council considered Mr. Meadows' ordinance for third and final reading. After several amendments proposed by Mr. Meadows were approved, Mr. Kirven offered his ordinance—a 13 page version that included many of the amendments drafted by Mr. Payne. Click [here](#) to read it.

Mr. Kirven's ordinance passed by a vote of 7 to 5. Voting in favor were Council members Burns, Flint, Gibson, Gilstrap, Kirven, Norris, and Payne. Voting against were Council members Cates, Dill, Meadows, Taylor, and Trout.

Next, Council voted 8 to 3 to approve the ordinance as amended for third reading. The seven Council members who had previously voted yes were joined by Tony Trout. Council members Cates, Dill, and Meadows voted against passage, with Bob Taylor abstaining.

So what does all this mean? How good is the ordinance that the County finally enacted? In our view, on a scale of 1 to 10, the ordinance recommended by the Tree Advisory Committee is an 8, the ordinance drafted by Mr. Meadows and approved at second reading is a 1, and ordinance that was enacted is a 5.

Important requirements in the [new ordinance](#) include:

- For all residential development, ten “density units” are required per disturbed acre. Density units are points based on the size of the preserved or planted trees. For example, ten density units could be achieved by planting twenty 1.25” trees, by planting or preserving ten 2” trees, or by preserving five 8” trees or one 25” tree.
- For single-family residential development, an additional two trees or four trees per lot, depending on lot size, are required. These trees must be at least 1.25 inches in diameter.
- Developers may apply for reduced requirements for low- and moderate-income housing.
- For non-residential development (commercial, retail, industrial, etc.), fifteen density units are required per disturbed acre.
- There was some initial confusion about whether the ordinance applies only to zoned areas of the County. This was a major concern, as more than half the land area in Greenville County is unzoned. This has been clarified: the ordinance does apply countywide.

Major weaknesses in the ordinance include:

- No protection for any existing trees, even the highly significant “heritage” ones.
- A small stream buffer of only 35 feet.
- A very small minimum planted tree size of only 1.25”.
- No tree bank for situations where the developer cannot meet the requirements on site.
- No County Arborist.

We hope that Council will address these deficiencies in the near future. In the meantime, Greenville County at long last has a tree ordinance. It is a good start.

Many thanks to the members of the Tree Advisory Committee, all of the *Upstate Forever* members and all the concerned citizens who stayed on the roller coaster and spoke out. This never would have happened without you!