

Article P. Vegetation Requirements

Sec. 9-4-260. Purpose.

(a) To create a better quality of living for the community by encouraging the preservation of existing vegetation and to stabilize the environment's ecological balance;

(b) To help reduce the negative impact of glare, noise, trash mitigation, odors, air pollution, excessive heat, overcrowding, lack of privacy and visual disorders when incompatible land uses adjoin one another; and

(c) To promote and preserve the public health, safety and welfare. (Ord. No. 95-112, § 1, 10-9-95)

Sec. 9-4-261. Generally.

(a) The requirements contained herein are a combination of site vegetation, parking/drive area vegetation and screening and bufferyard screening vegetation.

(b) The provisions contained herein shall not apply to those properties located within the CD downtown commercial zoning district and as further provided.

(c) The provisions contained herein shall not apply to the Pitt/Greenville Airport Authority property and the Pitt County Detention Center property.

(d) The provisions contained herein shall apply only to those uses having a land use classification number of 2 or more, in accordance with Article D, section 9-4-78 of this chapter. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 1, 11-12-98)

Sec. 9-4-262. Preliminary and final vegetation plan required; approval; timing of permits.

(a) Prior to the issuance of any permit or the granting of any other approval the applicant shall receive approval of a preliminary vegetation plan which denotes the category (i.e., large tree, small tree, shrub) and number of all required vegetation materials and which illustrates the location of qualified existing and proposed materials within the available and adequate open spaces where such materials may be located in accordance with this article. Preliminary vegetation plans shall not require plant material identification by scientific or common name.

(b) Said preliminary vegetation plan shall indicate the following site data and notes:

(1) *Site data.*

- a. Total per acre requirement by category.
- b. Total street tree requirement by category for each public and/or private street frontage.
- c. Total screening requirement by category for each individual bufferyard.
- d. Proposed vegetation by category and total number of materials to be located within each individual public utility or drainage easement.

(2) *Notes.*

- a. Minimum plant sizes shall be in accordance with the Zoning Regulations as follows:

<i>Planting Material Type</i>	<i>Minimum Planting Size</i>
1. Large tree	
single stem	10 feet (height) and 2 inch caliper
multi-stem clump	10 feet (height)
2. Small tree	8 feet (height) and 1 1/2 inch caliper
3. Shrub	18 inches (height), except as provided under section 9-4-267(a)
- b. Existing substitute vegetation materials have been noted including their specific location(s), type(s) and size(s).

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- c. No portion of any parking area, including any driveway, parking space, drive isle or turning area, shall be located more than thirty (30) feet from an on-site small tree or more than seventy-five (75) feet from an on-site large tree. For purposes of this section, the measurement shall be from the farthest edge of the subject area to the center of the base of the closest qualifying tree.
- d. Site plan approval from the respective easement holder shall be construed as approval of all noted and/or illustrated encroachments as shown on this plan.

(c) Said preliminary vegetation plan shall be submitted for review at the time of original submission of any site plan required pursuant to Article R, Site Plan Review, of this chapter. Preliminary vegetation plan approval shall be required in conjunction with site plan approval prior to the issuance of any building permit.

(d) Preliminary and final vegetation plans indicating proposed and existing materials shall require approval of the director of community development, or authorized representative.

(e) Temporary certificates of occupancy may be issued following approval of a preliminary vegetation plan prior to the installation of required vegetation materials.

(f) Except as further provided under subsection (g) below, prior to issuance of a final occupancy permit all vegetation materials required by this article shall be in place and written certification from the installer stating that the vegetation has been installed in accordance with the approved preliminary plan and applicable requirements shall be submitted to the director of community development, or authorized representative. Said written certification shall include a final vegetation plan indicating the preliminary vegetation plan site data, material type(s), common plant name(s) and the specific location of all installed and/or existing qualified materials. The final vegetation plan shall be indicated on an approved site plan. Written certification shall serve as a request for inspection. Full compliance with the requirements contained herein shall be the responsibility of the property owner and approval by the city of any materials installed or the issuance of any permit shall not release the property owner from such responsibility. No final occupancy permit shall be issued prior to inspection and approval of the required materials and improvements, except as further provided.

(g) A final occupancy permit may be issued prior to installation of required materials in accordance with this section.

Where vegetation materials would otherwise be required to be installed between May 1st and October 1st such installation may, at the option of the owner, be delayed, provided however, such materials shall be installed not later than November 1st of that same year. Request for such delay shall be made by the property owner, on forms supplied by the city, to the director of community development, or authorized representative, prior to the issuance of any final occupancy permit. Failure to install all required materials and to provide written certification of their installation on or before November 1st shall constitute a violation of the zoning regulations.

(h) Installation of vegetation improvements may be phased to coincide with construction of site improvements provided the phasing is set forth on the preliminary vegetation plan. Phasing shall be subject to approval of the director of community development on a case by case basis. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-90, § 1, 9-12-96; Ord. No. 98-144, § 2, 3, 4, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

Sec. 9-4-263. Site vegetation material requirements (per acre).

(a) For purposes of this article the total gross acreage of a lot or tract carried to one (1) decimal point (0.0) shall be multiplied by each of the following minimum requirements to determine the minimum site vegetation:

- (1) Five (5) large trees; and
- (2) Ten (10) small trees; and
- (3) Twenty-five (25) shrubs,

Provided, however, no lot or tract regardless of size (acreage), shall have less than the following minimum site vegetation:

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- (1) One (1) large tree; and
- (2) Ten (10) small trees; and
- (3) Fifteen (15) shrubs.

(b) The minimum requirements listed under subsection (a) above, shall be in addition to any screening requirements which may apply per section 9-4-266 of this article and the evergreen hedge option set forth under section 9-4-119, Article G, Bufferyard Setbacks, of this chapter.

(c) Street yard vegetation may count toward and be considered part of the minimum requirements listed under subsection (a) above, provided however, where the site vegetation material requirement is less than the street yard vegetation installation requirement set forth under section 9-4-268(k) of this article, additional materials shall be provided to insure compliance with section 9-4-268(k).

(d) Parking area vegetation may count toward and be considered part of the minimum requirements listed under subsection (a) above provided all other requirements of section 9-4-268(l) of this article are met.

(e) The area within any public street right-of-way or private street easement shall not be included in the calculation of total gross acreage.

(f) The area within any public utility easement, public drainage easement or other public easement, wherein the owner is prohibited from locating required materials in accordance with section 9-4-268(b) of this article, shall not be included in the calculation of total gross acreage. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 5, 6, 11-12-98)

Sec. 9-4-264. Vegetation qualification standards; plant size.

(a) Unless otherwise provided, all plant materials shall meet the following minimum size standards at the time of planting and/or qualification in the case of existing materials:

<i>Planting Material Type</i>	<i>Minimum Planting Size</i>
1. Large tree	
single stem	10 feet (height) and 2 inch caliper
multi-stem clump	10 feet (height)
2. Small tree	8 feet (height) and 1 1/2 inch caliper
3. Shrub	18 inches (height), except as provided under section 9-4-267(a)

(b) Caliper measurements shall be taken at six (6) inches above grade.

(c) For purposes of this section the minimum size of all plants shall be an approximate measurement, provide however, the intent of this section shall be to insure that materials are generally in compliance with the required standards. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, § 1, 1-11-96)

Sec. 9-4-265. Vegetation material (category) substitution; installed and/or existing.

(a) Any plant material which otherwise specifically satisfies the requirements of this article may count toward satisfying all such requirements.

(b) One (1) large tree may substitute for two (2) small trees or five (5) shrubs.

(c) One (1) small tree may substitute for three (3) shrubs.

(d) Healthy, existing or transplanted large trees may substitute for required vegetation in accordance with the following:

- 1. Each two (2) inch or more caliper, but less than six (6) inch caliper, large tree (ten (10) foot minimum height) may substitute for one (1) large tree or two (2) small trees or five (5) shrubs

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2. Each six (6) inch or more caliper, but less than ten (10) inch caliper, large tree may substitute for one and one-half (1 ½) large trees or three (3) small trees or six (6) shrubs
3. Each ten (10) inch or more caliper, but less than twenty-four (24) inch caliper, large tree may substitute for two (2) large trees or four (4) small trees or eight (8) shrubs
4. Each twenty-four inch or more caliper large tree may substitute for three (3) large trees or five (5) small trees or ten (10) shrubs

For purposes of this section, when a substitution allowance results in a fraction of a number, then the fraction shall be disregarded and the substitution allowance shall be to the next lower whole number.

In cases where the trunk of said tree(s) is not accessible for measurement, a minimum height requirement of thirty (30) feet may substitute for the minimum diameter requirements in the case of (d) 1, 2 and 3 above, and a minimum height of forty (40) feet may substitute for the minimum diameter requirement in the case of (d) 4 above.

(e) For each existing six (6) inch plus caliper large tree retained within a non-residential parking area island and/or peninsula, the minimum parking space requirement shall be reduced by up to three (3) spaces, at the option of the owner, to provide the area of minimum protection set forth under section 9-4-265 (g)(2), and minimum open space area set forth under section 9-4-268(l), provided such total parking space reduction is not more than 30% of the minimum parking space requirement.

(f) Except as further provided, minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks for residential and non-residential uses may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures.

(g) Existing substitute material standards.

- (1) Existing substitute material shall be protected from site development activities. Specifically, there shall be no change of grade (cut or fill), compaction of soils, storage of construction material, debris, chemicals and/or machinery or other activities which otherwise inhibits the percolation of surface water within the "Area of Minimum Protection" as described under subsection (2) below.
- (2) Area of minimum protection (by plant material type).
 - a. Large tree: 8-foot radius or drip zone, whichever is less.
 - b. Small tree: 6-foot radius or drip zone, whichever is less.
 - c. Evergreen shrub: 4-foot radius or drip zone, whichever is less.
- (3) Barrier required.
 - a. Existing substitute material shall be screened by means of a visible barrier which identifies the limits of the "Area of Minimum Protection."
- (4) Qualifying the location and material type; site identification.
 - a. Prior to site plan approval the existing substitute material shall be identified upon the preliminary vegetation plan in sufficient detail to insure compliance with this section.
 - b. All large and small trees subject to this section shall be individually flagged or paint marked at the time of submission of the preliminary and final vegetation plan, except as further provided.
 - c. Where there are twenty (20) or more qualified large and/or small trees located within a continuous stand the boundary of the tree line may be indicated on the preliminary and final vegetation plan in lieu of individual marking. For purposes of this section the term "continuous stand" shall be construed as a unified and closely spaced group of trees which is void of impervious

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encroachments. Scattered individual or groups of trees which do not, or will not upon maturity, share common canopy space and/or a narrow linear row(s) of trees shall not be construed as a continuous stand. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, §§ 2--4, 1-11-96; Ord. No. 98-144, § 7, 11-12-98; Ord. No. 05-123, §§ 1,2, 10-13-05; Ord. No. 06-75, §1, 8-10-06)

Sec. 9-4-266. Screening vegetation requirement within bufferyards C, D, E, and F.

(a) Unless otherwise provided, within bufferyards C, D, E and F, as required per Article G, Bufferyard Setbacks, of this chapter, a complete visual screen shall be installed along the entire length of the subject bufferyard in accordance with the following:

- (1) Minimum vegetation material.
 - a. Bufferyard C: 3 large evergreen trees, 4 small evergreen trees and 16 evergreen shrubs per each 100 linear feet of buffer or fraction thereof.
 - b. Bufferyard D: 4 large evergreen trees, 6 small evergreen trees and 16 evergreen shrubs per each 100 linear feet of buffer or fraction thereof.
 - c. Bufferyard E: 6 large evergreen trees, 8 small evergreen trees and 26 evergreen shrubs per each 100 linear feet of buffer or fraction thereof.
 - d. Bufferyard F: 8 large evergreen trees, 10 small evergreen trees and 36 evergreen shrubs per each 100 linear feet of buffer or fraction thereof.

(b) Bufferyard screening vegetation shall be in addition to and shall not count toward the site vegetation material requirement as set forth under section 9-4-263 of this article and/or the evergreen hedge option set forth under section 9-4-119, Article G, Bufferyard Setbacks, of this chapter.

(c) The intent of this section shall be to provide a complete year round opaque visual barrier between incompatible land uses. Qualified vegetation should therefore be spaced to accomplish this end. No horizontal plane, as viewed perpendicular from the property line, may be void of vegetation within five (5) years of planting for a height of at least twelve (12) feet. Beyond this five-year time period such vegetation screening shall be expected to increase in height in accordance with the natural growth patterns of the approved materials.

(d) Bufferyard screening exemptions.

- (1) For all uses except public schools and churches, bufferyard screening is not required along those areas where there are five hundred (500) or more feet separating adjoining property lines from any on-site improvements.
- (2) In the case of public schools, bufferyard screening is not required along those areas where there are two hundred fifty (250) or more feet separating adjoining property lines from on-site improvements.
- (3) In the case of churches, bufferyard screening is not required.

(e) Parking area screening shall be in accordance with section 9-4-268(1) of this article. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, §§ 8, 9, 10, 11-12-98)

Sec. 9-4-267. Acceptable vegetation by material type.

(a) Materials list notations; meanings.

- (1) Acceptable screening vegetation: (S)
- (2) Tolerant to periodic wet soil conditions: (W)
- (3) Various varieties: (*)
- (4) Native: (N)
- (5) Minimum height of twelve (12) inches: (H)

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(b) Certain vegetation materials; maximum allowable percentage.

- (1) The following vegetation materials, as listed by common name, shall constitute not more than twenty-five (25) percent of the total requirement for the specific category:
 - a. Large tree category - River Birch.
 - b. Small tree category - Aristocrat Pear, Bradford Pear, Capitol Pear, and Cleveland Select Pear.
 - c. Evergreen shrub category - Red Tip Photinia.

(c) Except as further provided, materials listed below shall be utilized to satisfy the vegetation requirements of this article:

(1) Shrubs 1.5 - 6 Feet - Evergreen

Abelia x grandiflora	Glossy Abelia	(*)
Aucuba japonica	Japanese Aucuba	(*)
Azalea hybrida	Glenn Dale Azalea	(*)
Azalea hybrida	Satsuki Hybrid Azalea	(*)
Azalea kaempferi	Kaempferi Azalea	
Berberis julianae	Wintergreen Barberry	(*)
Buxus harlandii	Harland Boxwood	(*)
Buxus microphylla japonica	Japanese Boxwood	(*)
Buxus microphylla `Koreana`	Korean Boxwood	(*)
Buxus sempervirens	American Boxwood	(*)
Buxus sempervirens `Suffruticosa`	Dwarf Boxwood	
Chamaecyparis obtusa `Nana Gracilis`	Dwarf Hinoki Cypress	
Cotoneaster horizontalis	Rockspray Cotoneaster	(*)(H)
Danae racemosa	Alexander Laurel	
Euonymus fortunei `Vegetus`	Evergreen Bittersweet	(*)
Euonymus japonicus `Microphyllus`	Dwarf Japanese Euonymus	(H)
Euonymus kiautschovicus	Spreading Euonymus	(*)
Fatsia japonica	Japanese Fatsia	(*)
Gardenia jasminoides `Radicans`	Dwarf Gardenia	(H)
Hypericum patulum	St.-John's-Wort	(*)
Ilex cornuta `Burfordii Nana`	Dwarf Burford Holly	
Ilex crenata `Compacta`	Compacta Holly	
Ilex crenata `Convexa`	Convexa Japanese Holly	
Ilex crenata `Hetzi`	Hetzi Japanese Holly	
Ilex crenata `Microphylla`	Littleleaf Japanese Holly	
Ilex crenata `Rotundifolia`	Roundleaf Japanese Holly	
Ilex crenata `Yellow Berry`	Japanese Holly	
Ilex cornuta `Carissa`	Carissa Holly	
Ilex cornuta `Rotunda`	Dwarf Horned Holly	
Ilex crenata `Carefree`	Japanese Holly	
Ilex crenata `Kingsville`	Kingsville Japanese Holly	
Ilex crenata `Repandens`	Repanden Japanese Holly	(H)
Ilex crenata `Stokes`	Stokes Japanese Holly	(H)
Ilex crenata `Tiny Tim`	Japanese Holly	(H)
Ilex vomitoria `Nana`	Dwarf Yaupon	(H)
Jasminum floridum	Flowering Jasmine	
Juniperus chinensis `Pfitzeriana`	Pfitzer Juniper	(*)
Juniperus davurica `Expansa` (`Parsoni`)	Parsons Juniper	(*)(H)
Juniperus sabina `Tamariscifolia`	Tamarix Juniper	(*)(H)
Kalmia latifolia	Mountain-Laurel	(*)(N)
Leucothoe axillaris	Coastal Leucothoe	(W)
Leucothoe fontanesiana	Drooping Leucothoe	(*)(W)
Ligustrum japonicum `Rotundifolium`	Curlyleaf Ligustrum	(S)
Lonicera yunnanensis	Yunnan Honeysuckle	(H)

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Mahonia bealei	Leatherleaf Mahonia	(*)
Mahonia pinnata	Cluster Mahonia	
Myrica pensylvanica	Northern Bayberry	
Nandina domestica	Nandina	(*)
Pieris japonica	Japanese Andromeda	(*)
Pinus mugo `Compacta`	Mugo Pine	(*)
Prunus laurocerasus angustifolia	Narrow-Leaved English Laurel	
Prunus laurocerasus `Otto Luyken`	Otto Laurel	
Prunus laurocerasus `Schipkaensis`	Skip Laurel	
Prunus laurocerasus `Zabeliana`	Zabel Laurel	
Pyracantha coccinea	Scarlet Firethorn	
Pyracantha koidzumii `Low-Dense`	Lowdense Pyracantha	
Raphiolepis indica	India Hawthorn	(*)
Rhododendron hybrida	Hybrid Rhododendron	(*)
Siphonos- manthus delavayi	Delavay Tea Olive	
Yucca filamentosa	Adam's Needle Yucca	(*)(H)
Yucca gloriosa	Mound-Lily Yucca	

(2) Shrubs 1.5 - 6 Feet - Deciduous

Azalea molle hybrida	Mollis Azalea	
Berberis x men- torensis	Mentor Barberry	
Berberis thunbergii	Japanese Barberry	
Callicarpa americana	American Beautyberry	
Callicarpa dichotoma	Beautyberry	(*)
Callicarpa japonica	Japanese Beautyberry	
Chaenomeles japonica	Japanese Flowering Quince	(*)
Chaenomeles speciosa	Flowering Quince	
Cotoneaster divaricatus	Spreading Cotoneaster	
Hamamelis vernalis	Vernal Witch-Hazel	
Hydrangea macrophylla	Bigleaf Hydrangea	
Hydrangea quercifolia	Oakleaf Hydrangea	
Hypericum kalmianum	Kalm St.-John's-Wort	
Jasminum nudiflorum	Winter Jasmine	(H)
Kerria japonica	Kerria	
Potentilla fruticosa	Bush Cinquefoil	(*)(H)
Rosa multiflora	Japanese Rose	
Rosa rugosa	Rugose Rose	
Spiraea cantoniensis	Reeves Spirea	
Spiraea nipponica `Snow Mound`	Snowmound Nippon Spirea	
Spiraea thunbergii	Thunberg Spirea	
Vaccinium ashei	Rabbiteye Blueberry	

(3) Shrubs 6 - 12 Feet - Evergreen

Azalea indica	Indian Azalea	(*)
Camellia japonica	Camellia	(*)
Camellia sasanqua	Sasanqua Camellia	(*)
Camellia sinensis	Tea Plant	(S)
Cleyera japonica	Cleyera	(S)
Cotoneaster franchetii	Franchet Cotoneaster	
Elaeagnus pungens	Thorny Elaeagnus	(*)(S)
Euonymus japonica	Evergreen Euonymus	(*)
Ilex cornuta	Chinese Holly	(*)(S)
Ilex cornuta `Burfordii`	Burford Holly	(*)(S)
Ilex crenata	Japanese Holly	(*)(S)

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Ilex glabra	Inkberry Holly	(N)
Ilex latifolia	Lusterleaf Holly	(S)
Ilex pedunculosa	Longstalk Holly	(S)
Ilex pernyi	Perny Holly	(*)
Ilex vomitoria 'Pendula'	Weeping Yaupon Holly	(*)
Illicium anisatum	Anisetree	
Illicium floridanum	Florida Anisetree	(*)
Juniperus chinensis 'Hetzii'	Hetzi Juniper	(*)
Juniperus chinensis 'Kaizuka'	Hollywood Juniper	
Laurus nobilis	Laurel	(*)(S)
Leucothoe populifolia	Florida Leucothoe	
Ligustrum japonicum	Japanese Privet	(*)(S)
Ligustrum lucidum	Tall Glossy Privet	(*)(S)
Ligustrum sinense 'Variegatum'	Variegated Chinese Privet	
Loropetalum chinense	Loropetalum	(S)
Michelia figo	Banana Shrub	
Myrica cerifera	Wax-Myrtle	(W)(S)(N)
Myrtus communis	Myrtle	(*)(S)
Osmanthus x fortunei	Fortune Tea Olive	(*)(S)
Osmanthus fragrans	Fragrant Tea Olive	(*)
Osmanthus heterophyllus	Holly Osmanthus	(*)(S)
Osmanthus heterophyllus 'Rotundifolius'	Curlyleaf Tea Olive	
Photinia x fraseri	Fraser Photinia	(S)
Photinia glabra	Red Photinia	(*)(S)
Pittosporum tobira	Pittosporum	
Podocarpus macrophyllus maki	Podocarpus	(*)(S)
Prunus laurocerasus	English Laurel	(*)(S)
Pyracantha koidzumii	Formosa Firethorn	(*)(S)
Thuja orientalis	Oriental Arborvitae	(*)(S)
Viburnum japonicum	Japanese Viburnum	(S)
Viburnum rhytidophyllum	Leatherleaf Viburnum	(*)
Viburnum tinus	Laurestinus Viburnum	(*)(S)
Yucca aloifolia	Spanish-Bayonet	

(4) Shrubs 6 - 12 Feet - Deciduous

Azalea calendulacea (also known as Rhododendron calendulacem)	Flame Azalea	(*)
Azalea hybrida 'Exbury'	Exbury Hybrid Azalea	(*)
Azalea periclymenoides (also known as Rhododendron periclymenoides or nudiflorum)	Pinxterbloom Azalea	(*)(N)
Buddleja davidii	Butterfly-Bush	(*)
Calycanthus floridus	Sweet Shrub	(*)(N)
Chimonanthus praecox	Winter Sweet	(*)
Chionanthus virginicus	Fringe Tree	
Cortaderia selloana	Pampass Grass	(*)
Cotoneaster salicifolius floccosus	Willowleaf Cotoneaster	(*)
Cytisus scoparius	Scotch Broom	(*)
Deutzia scabra	Pride of Rochester	(*)
Elaeagnus commutata	Silverberry	
Elaeagnus multiflora 'Crispa'	Cherry Elaeagnus	
Elaeagnus umbellata	Autumn Elaeagnus	(*)
Euonymus alatus	Winged Euonymus	
Euonymus americanus	Strawberry-Bush	
Exochorda racemosa	Pearl-Bush	
Ficus carica	Common Fig Tree	(*)
Forsythia x intermedia	Border Forsythia	(*)

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Hamamelis virginiana	Common Witch-Hazel	
Hibiscus syriacus	Rose of Sharon	(*)
Hydrangea paniculata `Grandiflora`	Peegee Hydrangea	(*)
Ilex decidua	Possumhaw	(*)
Ilex verticillata	Winterberry	(*)
Kolkwitzia amabilis	Beautybush	(*)
Lonicera fragrantissima	Winter Honeysuckle	
Philadelphus coronarius	Sweet Mock Orange	(*)
Poncirus trifoliata	Hardy Orange	(*)
Rhododendron prunifolium	Plumleaf Azalea	
Spiraea prunifolia `plena`	Bridal Wreath Spirea	
Spiraea x vanhouttei	Vanhoutte Spirea	
Syringa x persica	Persian Lilac	(*)
Tamarix ramosissima	Salt Cedar	(*)
Viburnum x burkwoodii	Burkwood Viburnum	(*)
Viburnum dilatatum	Linden Viburnum	(*)
Viburnum x juddii	Judd Viburnum	
Viburnum macrocephalum `Sterile`	Chinese Snowball	
Viburnum opulus `Roseum`	European Snowball	(*)
Viburnum plicatum tomentosum	Doublefile Viburnum	(*)
Viburnum wrightii	Wright Viburnum	(*)
Weigela florida	Weigela	(*)

(5) Small Trees - Evergreen

Cupressus arizonica	Arizona Cypress	(*)(S)
Ilex x Attenuata	Hybrid Holly	(*)(S)
Ilex x attenuata `Fosteri`	Foster Hybrid Holly	(S)
Ilex cassine	Dahoon Holly	(*)(W)(N)
Ilex x `Nellie R. Stevens`	Nellie Stevens Holly	(S)
Ilex opaca	American Holly	(*)(N)
Ilex vomitoria	Yaupon Holly	(*)(S)(N)
Magnolia grandiflora "Little Gem"	Little Gem Magnolia	(S)(N)
Magnolia virginiana	Sweet Bay	(*)(N)
Osmanthus americanus	Devilwood	(S)
Pinus nigra	Austrian Pine	(*)(S)
Pinus virginiana	Virginia Pine	(N)
Prunus caroliniana	Carolina Cherry-Laurel	(*)(S)(N)
Quercus acuta	Japanese Evergreen Oak	(S)
Quercus glauca	Ring-Cupped Oak	(S)

(6) Small Trees - Deciduous

Acer buergeranum	Trident Maple	(*)
Acer ginnala	Amur Maple	(*)
Acer griseum	Paperbark Maple	
Acer palmatum	Japanese Maple	(*)
Acer palmatum dissectum	Laceleaf Japanese Maple	(*)
Albizia julibrissin	Mimosa	(*)
Amelanchier arborea	Serviceberry	(*)
Betula platyphylla japonica	Japanese White Birch	(*)
Carpinus caroliniana	American Hornbeam	(N)
Cercis canadensis	Eastern Redbud	(*)(N)
Cornus florida	Flowering Dogwood	(*)(N)
Cornus kousa	Kousa Dogwood	(*)
Cornus mas	Cornelian-Cherry Dogwood	(*)

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Cotinus coggyria	Smoketree	(*)(N)
Crataegus phaenopyrum	Washington Hawthorne	(*)
Elaeagnus angustifolius	Russian-Olive	
Firmiana simplex	Chinese Parsol Tree	(*)
Franklinia alatamaha	Franklinia	
Halesia carolina	Carolina Silverbell	(N)
Hamamelis mollis	Chinese Witch-Hazel	(*)
Koelreuteria bipinnata	Chinese Flame Tree	
Koelreuteria paniculata	Golden-Rain-Tree	(*)
Lagerstroemia indica	Crape-Myrtle	(*)
Magnolia macrophylla	Bigleaf Magnolia	(*)(N)
Magnolia x soulan- giana	Saucer Magnolia	(*)(N)
Magnolia stellata	Star Magnolia	(*)(N)
Magnolia tripetala	Umbrella Magnolia	(*)(N)
Malus domestica	Apple	(*)
Malus hybrida	Flowering Crab Apple	(*)
Morus alba	White Mulberry	(*)
Morus alba 'Pendula'	Weeping White Mulberry	(*)
Oxydendrum arboreum	Sourwood	(N)
Pistacia chinensis	Pistachio	(*)
Prunus cerasifera 'Atropurpurea'	Pissard Plum	(*)
Prunus cerasus	Sour Cherry	(*)
Prunus persica	Peach	(*)
Prunus serrulata	Japanese Cherry	(*)
Prunus subhirtella pendula	Weeping Cherry	(*)
Prunus yedoensis	Yoshino Cherry	(*)
Punica granatum	Pomegranate	(*)
Pyrus calleryana	Callery Pear (includes Bradford, Capitol, Cleveland Select and Aristocrat)	(*)
Salix caprea	Goat Willow	(*)
Sassafras albidum	Common Sassafras	(N)
Ulmus parvifolia	Chinese Elm	(*)
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Southern Blackhaw	
Vitex agnus-castus	Chaste - Tree	(*)

(7) Large Trees - Evergreen.

Cedrus atlantica	Atlas Cedar	(*)
Cedrus deodara	Deodar Cedar	(*)(S)
Cedrus libani	Cedar of Lebanon	(*)
Cryptomeria japonica	Japanese Cryptomeria	(S)
Cupresso- cyparis leylandii	Leyland Cypress	(*)(S)
Ilex attenuata 'Savannah'	Savannah Holly	
Juniperus virginiana	Eastern Red Cedar	(*)(S)(N)
Magnolia grandiflora	Southern Magnolia	(*)(S)(N)
Pinus bungeana	Lacebark Pine	
Pinus eliotti	Slash Pine	
Pinus palustris	Longleaf Pine	(N)
Pinus strobus	White Pine	
Pinus sylvestris	Scotch Pine	
Pinus taeda	Loblolly Pine	(N)
Pinus thunbergiana	Japanese Black Pine	(S)
Tsuga canadensis	Canadian Hemlock	
Quercus laurifolia	Laurel Oak	(N)
Quercus virginiana	Southern Live Oak	(N)

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(8) Large Trees - Deciduous

Acer rubrum	Red Maple	(*)(N)
Acer saccharinum	Silver Maple	(*)(N)
Acer saccharum	Sugar Maple	(*)(N)
Betula nigra	River Birch	(*)(W)(N)
Carya illinoensis	Pecan	(*)(N)
Catalpa bignonioides	Southern Catalpa	(*)(N)
Celtis laevigata	Sugar Hackberry	(*)(N)
Celtis occidentalis	Common Hackberry	(*)
Cladrastis lutea	Yellowwood	(*)
Diospyros virginiana	Persimmon	(*)
Fagus grandifolia	Beech	(N)
Fagus sylvatica	European Beech	(*)
Fraxinus americana	White Ash	(*)(N)
Ginkgo biloba	Maidenhair Tree	(*)
Gleditsia triacanthos inermis	Thornless Honeylocust	(*)
Gymnocladus dioicus	Kentucky Coffee Tree	
Liquidambar styraciflua	Sweet-Gum	(*)(N)
Liriodendron tulipifera	Tulip-Tree	(*)
Magnolia acuminata	Cucumber Tree	(*)
Metasequoia glyptostroboides	Dawn Redwood	(*)
Nyssa sylvatica	Black Tupelo	(*)(N)
Paulownia tomentosa	Empress-Tree	(*)
Platanus x acerifolia	London Plane-Tree	(*)
Platanus occidentalis	Sycamore	(N)
Prunus sargentii	Sargent Cherry	(*)
Quercus acutissima	Sawtooth Oak	(N)
Quercus alba	White Oak	(N)
Quercus coccinea	Scarlet Oak	(*)(N)
Quercus macrocarpa	Bur Oak	
Quercus nigra	Water Oak	(N)
Quercus palustris	Pin Oak	(*)(N)
Quercus phellos	Willow Oak	(N)
Quercus rubra maxima	Eastern Red Oak	(N)
Quercus velutina	Black Oak	(N)
Salix babylonica	Weeping Willow	(W)
Sassafras albidum	Sassafras	(N)
Quercus shumardii	Shumard Oak	(N)
Quercus falcata	Southern Red Oak	(N)
Taxodium distichum	Bald Cypress	(*)(W)(N)
Tilia americana	American Linden	(*)
Tilia cordata	Littleleaf Linden	(*)
Zelkova serrata	Japanese Zelkova	(*)

(d) Vegetation material (type) substitution. Vegetation material type(s) not listed above under this section may be substituted for required material(s) on a one-for-one basis provided the substitute material(s) meet the requirements of this article. Where substitute material(s) are proposed the owner/developer shall provide at the time of preliminary and final bufferyard plan submission, evidence in sufficient detail to insure compliance with this section. No substitute material(s) shall be utilized to fulfill the requirements of this article except as specifically approved by the director of community development on a case-by-case basis. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 96-6, §§ 5--8, 1-11-96; Ord. No. 06-75, §1, 8-10-06)

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Sec. 9-4-268. Standards.

(a) *Seeding.* All open space areas that are not landscaped shall be seeded with lawn or other ground cover.

(b) *Easement.* No vegetation materials required by this article shall be located or planted on property subject to utility or drainage easements without the written consent of the city and the easement holder. Site plan approval from the respective easement holder shall be construed as approval of all noted and/or illustrated encroachments.

(c) *Solar access.* If the development on an adjoining lot is existing, and is designed for solar access, small trees shall be substituted for large trees on a one (1) for one (1) basis where large trees would destroy solar access. This subsection shall apply only to bufferyard screening trees and site vegetation trees when no other planting areas are available.

(d) *Drainage ditch.* When a drainage ditch separates property lines, or is otherwise contained within a lot or tract, all vegetation required by this article shall be provided. However, in no case shall the required vegetation be located within five (5) feet of the outer edge of the drainage ditch. Stormwater detention structures having a slope of two (2) feet horizontal for each one (1) foot vertical or steeper shall be considered a drainage ditch for purposes of this section. Placement of vegetation within easements shall be in accordance with subsection (b) above.

(e) *Overhead utility lines.* No new or qualified existing large tree shall be located within fifteen (15) feet of an overhead electric distribution, telephone or cable TV line or within twenty-five (25) feet of an overhead electric transmission line. Service (drop) lines shall not be included for purposes of this requirement.

(f) *Horizontal measurements.* All such measurements shall be made from the center of the base of the subject vegetation.

(g) *Visibility; sight distances maintained.* Visibility shall be reserved in accordance with the sight distance standards and requirements of Title 6, Chapter 2, Streets and Sidewalks, of the Greenville City Code and as provided by notation or description upon any map recorded pursuant to the subdivision regulations.

(h) *Garage/trash container pad, additional standards.* In addition to any required visual barrier(s) and/or vegetation improvements, all container pads shall be enclosed on three (3) sides by a complete visual barrier consisting of a fence, evergreen vegetation or combination thereof.

(i) *Screening vegetation location.*

- (1) Required screening vegetation shall be installed within the minimum bufferyard setback except as further provided:
 - a. Utility improvements; natural features. Where a drainage, utility improvement or other natural feature, including existing vegetation, prevents the installation of required vegetation within the minimum bufferyard area, as determined by the city, such materials shall be installed within an area of equal width to the required bufferyard area. This "area of equal width" shall be located adjacent to and extend from the drainage, utility improvement or other natural feature. Buildings, structures, parking areas, drives and other site improvements may encroach into the "area of equal width.
 - b. Each ten (10) inch plus caliper large tree, which trunk is located completely or partially within twenty (20) feet of the interior limit of any screening bufferyard set forth under section 9-4-119, shall qualify as part of the vegetation requirement of said bufferyard, with respect to the minimum screening vegetation type and amount, provided the required visual vegetative screen is achieved and maintained, and the qualified tree is not separated from the associated screening bufferyard by any intervening building or roofed structure. The subject tree shall not qualify for both the site and the screening vegetation requirements, with respect to total material and/or substitution requirements, applicable to the site.
- (2) Stormwater detention structures. Screening vegetation shall not be located within a stormwater detention structure which has a slope of two (2) feet horizontal for each one (1) foot vertical or steeper. All plantings within a stormwater detention structure shall otherwise be allowed subject to approval of the city engineer and provided the vegetation materials are of a variety that can customarily withstand periodic flooding and wet soil conditions.

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- (3) Where such materials are planted on slopes, of two (2) feet horizontal for each one (1) foot vertical or steeper, a terraced planting area, designed in accordance with acceptable and recognized practice, shall be provided.
- (4) Where such materials are planted in areas lying below the finished grade of the surrounding portions of the lot such materials shall be of a size and type which can be expected to fulfill the requirements of this article. (Ord. No. 05-123, § 3, 10-13-05)

(j) *Site vegetation location.*

- (1) Required site vegetation may be located at any point within the boundary of the subject lot, except as farther provided:
 - a. With the exception of street yard trees, site vegetation shall not be located within ten (10) feet of a principal and/or accessory structure.
 - b. Site vegetation shall not be located within a stormwater detention structure which has a slope of two (2) feet horizontal for each one (1) foot vertical or steeper. Existing vegetation material located within a stormwater detention structure may otherwise be allowed to qualify for purposes of this section, subject to the approval of the city engineer and provided the vegetation materials are of a variety that can customarily withstand periodic flooding and wet soil conditions as approved by the director of community development on a case by case basis. (Ord. No. 06-75, §1, 8-10-06)

(k) *Street yard vegetation installation requirements:*

- (1) Street yard vegetation may count toward and be considered part of the site vegetation material requirement as set forth under section 9-4-263 of this chapter.
- (2) Street yard vegetation shall be installed, at the rate of two (2) large trees per each one hundred (100) linear feet or fraction thereof of street frontage (public or private), on any lot containing a use with a land use classification number of two (2) or more. Provided however, where vegetation material installation is required pursuant to section 9-4-271. "Nonconforming vegetation; compliance required" and large trees can not be located in compliance with this article due to the proximity of an overhead utility transmission line, or substandard available open space including bufferyard width, island/peninsula area or dimension and the like, small trees shall be substituted for large trees at the ratio of two (2) small trees for each one (1) large tree. Substitutions shall only be considered and allowed on an individual tree by tree basis. The intent of this section shall be to require the installation of large trees to the greatest extent possible.
Where the small tree substitution is allowed each small tree shall have not less than six (6) square feet of exclusive open space which measures not less than two (2) feet at it narrowest dimension. Where the available open space does not meet this requirement, as determined by the director of community development, shrubs may be substituted for small trees on a one (1) for one (1) basis, provided however, where said open space is less than four (4) square feet in area and/or less than two (2) feet in width ground cover may be substituted for shrubs.
- (3) Except as otherwise provided under this section the vegetation material (category) substitution standards contained under section 9-4-265 may apply at the option of the owner.
- (4) Such street yard vegetation shall be located within fifteen (15) feet of the street right-of-way or easement line unless otherwise provided, however no large tree shall be installed closer than two (2) feet to the back of curb, travel surface or sidewalk located on said right-of-way or easement. (Ord. No. 06-75, §1, 8-10-06)

(l) *Parking area vegetation location.*

- (1) Any on-site large tree, small tree, or shrub which has been qualified pursuant to this article may count toward the parking area vegetation requirement provided such materials comply with all other requirements of this section.
- (2) No portion of any parking area, including any driveway, parking space, drive isle or turning area, shall be located more than thirty (30) feet from an on-site small tree or more than seventy-five (75) feet from an on-site large tree. For purposes of this section, the measurement shall be from the farthest edge of the subject area to the center of the base of the closest qualifying tree.
- (3) Such tree(s) may be located, at the option of the owner, within an area adjacent to and extending from the parking/drive surface or on islands contained within and/or peninsulas extending into the impervious areas.
- (4) Where such trees are located on island(s) and/or peninsulas such island(s) and/or peninsula(s) shall individually contain not less than one hundred (100) square feet of open space and shall measure not less

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- than eight (8) feet at its narrowest dimension wherein such open space is proposed to contain a large tree or not less than five (5) feet at its narrowest dimension wherein such open space is proposed to contain only small trees. Any open space area between the point of curvature and the point of tangency shall be included in the minimum area calculation, however, such area shall be exempt from the minimum dimension requirement. Areas not meeting these requirements shall not be considered for purposes of this section. (See also subsection (8) below.)
- (5) Where vegetation is proposed within any island and/or peninsula the materials shall be located and designed to minimize potential conflicts with vehicular drives, parking, loading docks and turning areas and product and/or equipment storage and display areas. Specifically, large and small trees shall be setback and/or off-set from bumper overhang encroachment areas or other hazards in a manner approved by the director of community development or authorized representative.
 - (6) When a parking and/or drive area is not constructed of a permanent hard surface material, such as asphalt or concrete which clearly defines the travel and parking area, such island(s) and /or peninsula(s) shall be set apart from all vehicular areas by a raised vertical curb, wheel stop or other physical barrier which otherwise delineates the open space contained therein.
 - (7) The minimum open space shall be grassed or contain ground cover or other erosion control material such as mulch over the balance of the area provided such area(s) shall be clear of impervious surface and/or subsurface materials which would otherwise prohibit the percolation of surface water.
 - (8) When located on such island(s) and/or peninsula(s) no large tree shall have less than one hundred (100) square feet of exclusive open space and no small tree shall have less than fifty (50) square feet of exclusive open space. Shrubs and ground cover may encroach into the open space area(s) described herein.
 - (9) Parking area screening shall be required in accordance with the following:
 - a. Except as further provided, parking area screening shall be installed within a ten (10) foot area adjacent to and extending the full street side width of all parking areas which front a public or private street. For purposes of this section any parking area drive or drive isle, which separates a parking space from the street right-of-way or easement line, shall be considered part of the parking area and such drive or drive isle shall be screened in accordance with this section. Parking areas which deflect from the street line shall be considered a part of the parking area subject to the screening requirement of this section where such parking area is less than fifty (50) feet from the street right-of-way or easement line and in accordance with subsection (b) below.
 - b. The intent of parking area vegetation screening shall be to provide a year round visual screen between parking areas and public or private streets. Qualified vegetation should therefore be spaced to accomplish this end. No horizontal plane, as viewed perpendicular from the street line, may be void of vegetation, or other approved visual screen, within three (3) years of planting for a height of at least thirty (30) inches, (under normal growing conditions), above the finished grade of the immediately adjacent parking area surface.
 - c. A wall, fence, berm or other structure which provides a qualified visual screen, alone or in combination with qualified vegetation, to a height of thirty (30) inches may substitute for a portion or all of the parking area screening requirement provided all other provisions of this article are met. Non-vegetative visual screens shall be installed or improved to the minimum required height prior to the issuance of any final occupancy permit.
 - d. When vegetation material installation is required pursuant to section 9-4-271 "Nonconforming vegetation; compliance required" and where the available open space is less than two (2) foot in width, ground cover may be substituted for parking area screening.
 - e. Parking areas, or portions thereof, which are setback fifty (50) feet or more from the street right-of-way or street easement line shall be exempt from the parking area screening requirement of this section.
 - f. Vegetation and above-grade structures and/or improvements shall comply with the sight distance standards and requirements of Title 6, Chapter 2, Streets and Sidewalks, of the Greenville City Code and as provided by notation or description upon any map recorded pursuant to the subdivision regulations and as provided by notation or description upon any approved site plan.
 - (10) When a parking lot existing on the effective date of this ordinance (11/12/98) is required to comply with the standards set forth under this article, the minimum number of required parking spaces may be reduced up to ten (10) percent where the loss of existing spaces occurs as a result of the application of this subsection.
 - (11) Bufferyards which separate parking areas and drive isles from perimeter property lines shall be considered an "island and/or peninsula" and the open space and vegetation material located therein shall be subject to subsections (5), (6), (7) and (8) of this section.

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- (12) New parking areas and/or expansion areas to existing parking areas shall comply with all parking area requirements in effect at the time of development regardless of the percent of expansion.” (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 11, 12, 13, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

Sec. 9-4-269. Certain terms; meanings.

(a) For purposes of this article, the term “impervious surface area” shall be construed to include all on-site drives, parking spaces (stalls), parking bays, travel and storage lanes, loading zones and turning areas constructed with a hard surface all-weather material including gravel, stone, CABC and the like. The area within any public street right-of-way and/or private street easement shall not be included in the calculation of impervious surface area.

(b) For purposes of this article, the term “parking area” shall not be construed to include any impervious surface area utilized principally for stock, product and/or equipment storage and/or display including but not limited to vehicle and mobile home sales lots or tractor and trailer loading docks and turning areas.

(c) For purposes of this article, the term “ground coverage” shall be construed to include both lot coverage (building footprint) and impervious surface area.

(d) For purposes of this article, the terms “building expansion(s)”, “parking area and/or drive expansion(s)” and “proposed building construction” shall include both singular and cumulative expansions and/or construction over any twelve-month period. (Ord. No. 95-112, § 1, 10-9-95)

Sec. 9-4-270. Maintenance of required vegetation.

The property owner shall be responsible for maintaining all vegetation required by this article in a healthy condition. Any dead, unhealthy or missing vegetation shall be replaced. Replacement shall occur at the earliest suitable planting season. (Ord. No. 95-112, § 1, 10-9-95)

Sec. 9-4-271. Nonconforming vegetation; compliance required.

(a) Property that does not comply with the requirements contained in this article shall meet the provisions of this section.

(b) When there is noncompliance with the vegetation standards and requirements of this article, and when an applicant files the necessary forms for a building permit and/or change of use permit, one (1) of the two (2) following situations shall apply:

- (1) The provisions of this article are not applicable when:
 - a. There is a change of land use where the new land use is of the same or lower land use classification; and
 - b. Building expansion(s) are proposed which constitute less than a twenty (20) percent expansion in lot coverage; and
 - c. Parking area and/or drive expansion(s) are proposed which constitute less than a twenty (20) percent expansion in impervious surface areas; and
 - d. Building and parking area and/or drive expansion(s) are proposed which collectively constitute less than a twenty (20) percent expansion in total ground coverage; and
 - e. The valuation of any proposed building construction, including repairs, renovations and/or expansions, is less than or equal to fifty (50) percent of the current tax valuation of all on-site building improvements as listed on the Pitt County tax record. The valuation of proposed construction shall be based on applicable building permit application data.
- (2) Vegetation improvements will be required in accordance with subsection (c) below when:
 - a. There is a change in land use where the new land use is of a higher land use classification; or
 - b. Building expansion(s) are proposed which constitute a twenty (20) percent or more expansion in lot coverage; or
 - c. Parking area and/or drive expansion(s) are proposed which constitute a twenty (20) percent or more expansion in impervious surface areas; or
 - d. Building and parking area and/or drive expansion(s) are proposed which collectively constitute a twenty (20) percent or more expansion in total ground coverage; or

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- e. The valuation of any proposed building construction, including repairs, renovations and/or expansions, exceeds fifty (50) percent of the current tax valuation of all on-site building improvements as listed on the Pitt County tax record. The valuation of proposed construction shall be based on applicable building permit application data.
- (c) When vegetation improvements are required based on subsection (2) above the following shall apply:
- (1) Screening vegetation requirements (Bufferyards C, D, E and F):
 - a. Where all of the minimum bufferyard width is available all required screening vegetation shall be installed.
 - b. Where less than one hundred (100) percent of the minimum standard bufferyard width is available a fence, evergreen hedge or berm meeting the requirements of section 9-4-119, Article G, Bufferyard Setbacks, of this chapter, shall be installed and all required screening vegetation shall be installed except as further provided.
 - c. Where less than one hundred (100) percent of the minimum reduced width bufferyard is available a percentage of each required material (small trees, large trees, shrubs) equal to the percentage of the reduced bufferyard width available shall be installed within such areas.
 - d. Where less than six (6) feet of bufferyard width is available small trees may be substituted for large trees on a one (1) for one (1) basis.
 - e. Where less than three (3) foot of bufferyard width is available shrubs may be substituted for small trees on a one (1) for one (1) basis.
 - f. Where less than two (2) foot of bufferyard width is available ground cover may be substituted for shrubs.
 - (2) Site vegetation requirements.
 - a. All required site vegetation shall be installed.
 - b. The provisions of this section shall not be deemed to require the removal of existing structures, buildings, mechanical equipment and lighting. Provided however, all other encroachments including but not limited to concrete islands and the like shall be removed.
 - c. The intent of this section shall be to require the installation of required vegetation, to the greatest extent possible, in all available open space areas existing at the time of site plan application. All required vegetation materials shall be planned for installation prior to the location or expansion of any new impervious area or building.
 - d. This section shall apply to street yard vegetation as part of the site vegetation requirement.
 - (3) Parking lot and drive area vegetation requirements.
 - a. All required parking lot and drive area vegetation shall be provided in accordance with section 9-4-268(l) of this article.
 - b. The provisions of this section shall not be deemed to require the removal of existing structures, buildings, mechanical equipment and lighting. Provided however, when necessary existing parking shall be removed in accordance with section 9-4-268(l)(10) of this article and all other encroachments including but not limited to concrete islands and the like shall be removed.
 - c. The intent of this section shall be to require the installation of all required parking lot and drive area vegetation. All required vegetation materials shall be planned for installation prior to the location or expansion of any new impervious area or building. (Ord. No. 95-112, § 1, 10-9-95; Ord. No. 98-144, § 14, 11-12-98)

Sec. 9-4-272. Flexibility in Administration.

(a) The city council recognizes that due to the wide variety of types of development and property boundary configurations, the varying quantity and dimension of available open spaces, the natural and built environment and other existing adverse physical conditions, it is neither possible nor prudent to establish inflexible vegetation regulations. Therefore, the director of community development, or his authorized representative, may permit deviations from the specific requirements of this article provided such deviations are in accordance with subsection (b).

(b) Prior to the administrative approval of any deviation to the requirements of this article, the director of community development, or his authorized representative, shall first determine the application meets all of the following criteria:

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- (1) The deviation is necessary due to unique physical conditions of the property, which may include existing vegetation conditions, and
- (2) The hardship in complying with the requirements is not created by a proposed building, building expansion or expansion of impervious area into available open space wherein required plantings could be located in accordance with ordinance provisions, and
- (3) The hardship in complying with the requirements is not related to the expense or cost of installing the required materials or other improvements, and
- (4) The deviation represents the least possible deviation from the letter of the ordinance that will allow reasonable use of the property, and
- (5) The deviation is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

(c) Any approved deviation shall be noted on the preliminary and final vegetation plan and including the original minimum requirement, the justifications for such deviation and the resulting modified requirement.

(d) Whenever the condition or circumstances for which any approved deviation was approved no longer exist, the original applicable minimum requirements shall immediately apply and the vegetation improvements required by said requirements shall be installed. (Ord. No. 98-144, § 15, 11-12-98; Ord. No. 06-75, §1, 8-10-06)

Secs. 9-4-273--9-4-280. Reserved.