

Chapter 10

**LICENSES AND BUSINESS REGULATIONS\***

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**ARTICLE I. IN GENERAL**

**Sec. 10-1. Purpose.**

The following landscape regulations are for the purpose of protecting and enhancing the ecological and esthetic environments of the City of Greenville and to implement the goals contained in the City's Comprehensive Plan. Proper landscaping benefits the City by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise, dust, and other offensive conditions. Furthermore, landscaping buffers and screens incompatible land uses, maintains and enhances the character of neighborhoods, serves to attract potential and developers to the city, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City of Greenville.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-2. Definitions.**

The following words, terms and phrases, when used in the section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise:

*Accessory Building:* Any building designed to house a function or use recognized as customarily accessory to the use of the principle building, and as such, may be situated on the same lot, including [but not limited to] storage facilities, mechanical and equipment buildings, and repair or fabrication facilities when incidental to the principle building use.

**\*Cross references**—Alcoholic beverages, Ch. 3; animals, Ch. 4; buildings, Ch. 5; health, Ch. 9; mobile homes, Ch. 11; motor vehicles and traffic, Ch. 12; parks and recreation, Ch. 14; solid waste, Ch. 17; streets and sidewalks, Ch. 18; taxation, Ch. 19; zoning, App. A; subdivisions, App. B; emergency powers of mayor, § 2-41 et seq.; dangerous buildings and dangerous unimproved property, § 5-61 et seq.; noisy selling or advertising, § 13-10; fair housing, § 13-26 et seq.; weeds and debris, § 13-46 et seq.; obscene matter, § 13-66 et seq.; merchandising, advertising and signs in park, § 14-23.

**State law references**—Municipal license taxes, Code of Ala. 1975, § 11-51-90 et seq.; collection of certain municipal license taxes by state department of revenue, Code of Ala. 1975, § 11-51-180 et seq.; license generally, Code of Ala. 1975, § 40-12-1 et seq.

*Caliper:* Diameter of tree trunk. Caliper is used for tree less than 12" in diameter. For trees less than 4" in diameter it is measured 6 inches from the ground. For trees between 4" and 12" in diameter it is measured 12" from the ground.

*City Horticulturist:* Refers to City of Greenville Grounds keeping Superintendent or designated authority.

*D.B.H.:* Diameter at breast height. D.B.H. is used for trees with a diameter greater than 12" and is measured for (4 1/2) feet above the ground.

*Developed Area:* All land area disturbed for the purpose of developing structures, parking facilities, landscaped areas, etc.

*Developer:* The legal or beneficial owner of a lot or parcel or any proposed for development and/or inclusion in a development, including the owner of an option, contract to purchase, or lease.

*Groundcover:* An evergreen or deciduous planting less than 24" in height, turf-grass is excluded.

*Monoculture:* A single type and species of planting. This type of planting is prohibited by this code.

*Mulch:* A natural planting material such as pine straw or tree bark used to control weed growth, reduce soil erosion and reduce water loss.

*Parking lot planting:* A planting required due to the construction of non-covered Parking. When less than 25 parking spaces are proposed, these plantings may be spaced around the perimeter of the parking lot. When more than 25 spaces are proposed, these plantings shall be placed within "parking lot islands" and/or "parallel planting peninsulas."

*Parking lot island:* A planting island contained completely within the confines of a parking facility. These islands shall be elevated at least (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Figures 1 and 2, § 10-6).

*Parallel planting peninsula:* Planting island that extends out into the parking area, and is bounded on at least one side by the outer edge of the asphalt or building. These shall be elevated at least four (4) inches in height and bordered by concrete curbing. These are ideal places for required parking lot plantings (see Figures 1 and 2, § 10-6).

*Recommended tree:* Any one of the trees listed under Section 10-9 Recommended Trees. These trees are well suited for the soils and climate of Greenville, Alabama.

*Significant tree:* Any tree with a caliper of (6) inches or greater.

*Shrub:* An evergreen or deciduous planting no less than 24" in height, which will remain attractive and full throughout the year.

**Sec. 10-3. Applicability.**

All rules, regulations, conditions, and requirements set forth in this section are applicable as follows:

- (1) Any new development or construction in any zoning district which requires approval by the City of Greenville Planning Commission is subject to these regulations, with the exception of construction of accessory buildings.
- (2) An alteration to an existing building(s), development(s), or construction which increases or decreases the amount of gross floor area of a structure or building on a lot by more than fifty (50) percent. The property which undergoes such alterations shall be required to come into compliance with all landscaping requirements in place at the time.
- (3) Nothing herein shall affect in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear trees and other growth from lands used by the public utility. The utility shall cooperate and coordinate with the City Horticulturist when clearing or pruning of the rights-of-way.
- (4) Nothing herein shall reduce the lines of sight and traffic visibility standards adopted by the City in the Greenville (Utilities Ordinance). Due consideration should be given to plantings within twenty (20) feet of an intersection along a roadway. In such cases, certain height provisions of this code may be modified by the City Inspector.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-4. General information.**

(a) *Trees located within the right-of-way.*

- (1) Trees located within a local right-of-way are property of the City of Greenville. The removal of significant trees within the right-of-way is prohibited without written permission of the City Horticulturist.
- (2) Any "significant tree" located within a public right-of-way and abutting the subject property shall be shown on the Landscape Plan. "Significant trees" within the right-of-way and abutting the subject property may be applied toward existing tree credits with approval from the City Horticulturist.
- (3) Any "significant tree" located within a right-of-way that is damaged by a developer, such as because of construction, shall contact the City Horticulturist immediately. It will be at the discretion of the City Horticulturist whether the developer must replace the tree. The replacement shall be a similar planting with a caliper of at least 2.5".
- (4) All care of any "significant tree" within the right-of-way applied towards existing tree credits shall become the responsibility of the property owner. This includes limb pruning, tree removal, etc

(b) *Size and quality requirements.*

- (1) Any large tree planted to meet requirements of this section shall have at least 2"—2.5" caliper. Any medium tree or understory tree planted to meet requirements of this

section shall have a caliper between 1.25" and 1.5", except that multi-stemmed understory trees shall be between six (6) and eight (8) feet in height. In addition, deviations from the "Recommended Tree List" may be approved through a written request to the City Horticulturist. These plantings may or may not count towards the point total for the property.

- (2) Trees(s) shall be in a healthy condition at the time of planting.
- (3) Shrubs planted to meet requirements of this section shall be at least 24" in height.
- (4) Grass shall completely cover the soil after one full growing season.
- (5) No bare ground shall be left exposed. Grass and other approved appropriate groundcover or mulch, such as pine straw or tree-bark, shall cover all non-paved and non-built "developed areas."
- (6) Irrigation is not required but is highly recommended. Proper irrigation greatly improves the chances for survival.
- (7) Any planting that dies shall be replaced.

(c) *Basic landscaping requirements.*

- (1) Trees, plants, and shrubs shall be planted in sufficient quantities to obtain the required number of points for the parcel.
  - (2) One additional point is required for each parking space.
  - (3) "Residential buffers" and "parking lot buffers" may be required
- (Ord. No. 1999-2, 5-11-99)

**Sec. 10-5. Landscape plans.**

(a) Landscape plans shall be submitted with other site plans at the time of application for consideration by the Planning Commission.

- (1) Landscape plans shall be submitted on a separate drawing sheet(s) of a standard size (preferably 24" × 36") and drawn to a standard scale (preferably engineer's scale).
- (2) Landscape plans shall show type, size and location of existing trees to be preserved, in addition to type, size and locations of proposed trees, shrubs, and groundcover in relation to any existing or proposed structures, roads, property lines, etc.
- (3) Procedures for preserving existing trees during construction shall be submitted and followed accordingly.
- (4) Landscape plans shall show statistics indicating that all point requirements have been met using the format illustrated in Template 1.
- (5) Plants outside of the construction area need not be shown on the Landscape Plan.
- (6) Landscape Plans shall be drawn by an architect, landscape architect, engineer, or licensed landscaper.

- (7) Prior to approval by the Planning Commission, Landscape Plans shall be reviewed and approved by the City Horticulturist.  
 (Ord. No. 1999-2, 5-11-99)

Template 1.

Square footage of developed area  
 \_\_\_\_\_ sq. feet

Base points required \_\_\_\_\_ Base points obtained \_\_\_\_\_  
 (See table or formula § 10-6)

Parking lot points required \_\_\_\_\_ Parking lot points obtained \_\_\_\_\_  
 (1 per parking space)

Residential buffer yard required.  
 Yes or No

Parking lot buffers required.  
 Yes or No

Notes:

Template 1. must be on the landscape plan with appropriate information entered.

Plant material that will be used for parking lot points must be labeled on drawings as such, i.e., P.P. (parking lot points) or double underline. Be sure to note the symbol used for designation.

Plant material that will be used for base points must be labeled on drawing as such, i.e., B.P. (base points). Be sure to note the symbol used for designation.

Separate plant materials on plant legend for separate uses. For example:

<i>Scientific Name</i>	<i>Common Name</i>	<i>Quantity</i>	<i>Size</i>
<b>BASE POINTS</b>			
<i>Cornus florida</i>	Flowering Dogwood	4	1¼—½"
<i>Quercus phellos</i>	Willow Oak	10	2—2½;inch
<i>Ilex cornuta</i> "Carissa"	Carissa Holly	30	3 gal.
<b>PARKING LOT POINTS</b>			
<i>Pistacia chinensis</i>	Chinese Pistache	10	1¼—1½"
<i>Quercus alba</i>	White Oak	5	2—2½;inch
<i>Ilex vomitoria</i> "Nana"	Dwarf Yaupon Holly	75	3 gal.
<b>PARKING LOT BUFFER</b>			
<i>Ilex cornuta</i> "Burfordi Nana"	Dwarf Burford Holly	75	3 gal.
<b>RESIDENTIAL BUFFER</b>			

<i>Scientific Name</i>	<i>Common Name</i>	<i>Quantity</i>	<i>Size</i>
<i>Ternstroemia grynathera</i>	Japanese Cleyera	75	3 gal.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-6. Landscape requirements.**

(a) *Steps for approval*

- (1) Determine the number of base points required via shade trees, shrubbery or a combination thereof; (see section 10-6(b))
- (2) Determine the number of Parking Lot Trees/Shrubs, which must be planted. The quantity of plants required is based on the number of parking spaces proposed; (see section 10-6(c))
- (3) Determine whether Residential and/or Parking Lot Buffers apply to the development; (see section 10-6(d))
- (4) Develop a Landscape Plan with plantings in sufficient numbers to meet the point requirements and with any applicable buffer. (see section 10-5(a))

(b) *Numbers of points required for site.*

<i>Square footage of the Developed Area*</i>	<i>Number of points Required</i>
0-10,000	40 (+1 per parking space)
10,001-20,000	60 (+1 per parking space)
20,000-30,000	80 (+1 per parking space)
30,000-40,000	100 (+1 per parking space)
40,001-50,000	120 (+1 per parking space)
50,001-60,000	140 (+1 per parking space)

- When only small portions of large lots are developed, (e.g only one acre of a ten acre lot) only the immediate construction area shall be considered when determining the number of points required. Contact the Planning Department to determine the immediate consideration area.

Alternative Formula for determining number of points required for sites greater than 60,000 square feet;

Base points = [(X-10,000)/500] + 40 (X=Construction Area)

Parking lot points = 1 per parking space

Points Values for Various Planting

<i>Type of Plant Materials</i>	<i>Minimum Size</i>	<i>Point value</i>
Large tree*	2.0"—2.5" caliper	11

<i>Type of Plant Materials</i>	<i>Minimum Size</i>	<i>Point value</i>
Medium tree*	1.25"—1.5" caliper	8
Understory tree*	(single trunk) 1.25"—1.5" caliper (multiple Trunk) 6' 8' Height	5
Shrub or	Shrub 24"	1
Groundcover	Groundcover 1 gallon minimum	

\*See section 10-9 Recommended Tree List

(c) *Parking lot requirements.*

All noncovered, street-level parking facilities established and governed by this Section shall be landscaped in accordance with the following requirements:

- (1) In addition to the number of "base points" required with shade plantings, one (1) additional point is added to the site for each parking space proposed. These points must be used to plant "Parking Lot trees and/or Parking Lot Shrubs." (e.g. A 26,000 square foot lot requires 80 base points, however it also has 15 parking spaces. The additional 15 points bring the lot up to 95 points, with 15 of those points designated as Parking Lot Trees and/or shrubs.)
- (2) On parking lots with less than 25 parking spaces, "Parking Lot Trees/Shrubs" may be spaced around the lot as desired to provide a uniform and attractive design.
- (3) On lots with more than 25 parking spaces, "Parking Lot Trees/Shrubs" shall be planted on "parking lot island(s)" and/or "parallel planting peninsulas" within the confines of the established parking lot. These plantings will minimize and break the expanse of asphalt and concrete. Acceptable island and parallel planting peninsulas are displayed in Figures 1 and 2.
- (4) Each "parking lot island" or "parallel planting peninsula" shall have at least one tree.

(d) *Buffers and buffer zones.*

In addition to the required number of points above, a parcel may be required to buffer certain portions of the property.

Trees from the "Recommended Tree List" planted to meet either Residential or Parking Lot buffer requirements, may be applied toward the point requirements. Shrubs may not be applied toward the point requirements. This provision allows credit for plantings in the buffer area(s); however, it prevents a property from planting only in those areas.

In cases where a parking area abuts a residential zone, then the more stringent "Residential Zone Buffer" requirements supersede the parking lot buffer.

- (1) Residential zone buffer. On any commercial, industrial, institutional, PUD or multi-family development, except duplexes, adjacent to or abutting a residential zoning

district, a buffer strip along the property line(s) of the development is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any or all of the following: (see Residential Buffer Options in Figure 2).

- a. An opaque fence not less than six feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot and a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within three full growing seasons planted on the inside of the fence or;
  - b. A staggered double row of Evergreen plantings at least (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three years will provide an impervious visual barrier or;
  - c. Natural, undisturbed forest at least twenty (20) feet in width which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.
- (2) Parking lot buffer. Asphalt closer than ten (10) feet to any property line shall be buffered with one of the following types of buffers:
- a. A planting strip of no less than four (4) feet in width shall be provided between said property line and the off-street parking facilities (asphalt). A planting screen or hedge, of developers choice, and between two (2) and four (4) feet in height shall be provided and maintained on a continuing basis, except that such screen or hedge shall not obstruct or obscure sight lines, restrict vehicular movement, or block pedestrian walkways of sidewalks and/or,
  - b. A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The



trees shall be spaced in a ratio of one understory tree every 15 feet, or one medium tree every 30 feet, or one large tree every 45 feet. Shrubbiness shall be provided between the plantings.

The shrubs/trees shall be maintained on a continuing basis, except that such plantings shall not obstruct or obscure sight lines, restrict vehicular movement, or block pedestrian walkways or sidewalks. The trees may be applied toward the base point requirement; however, the shrubs may not be applied.

Figure 1

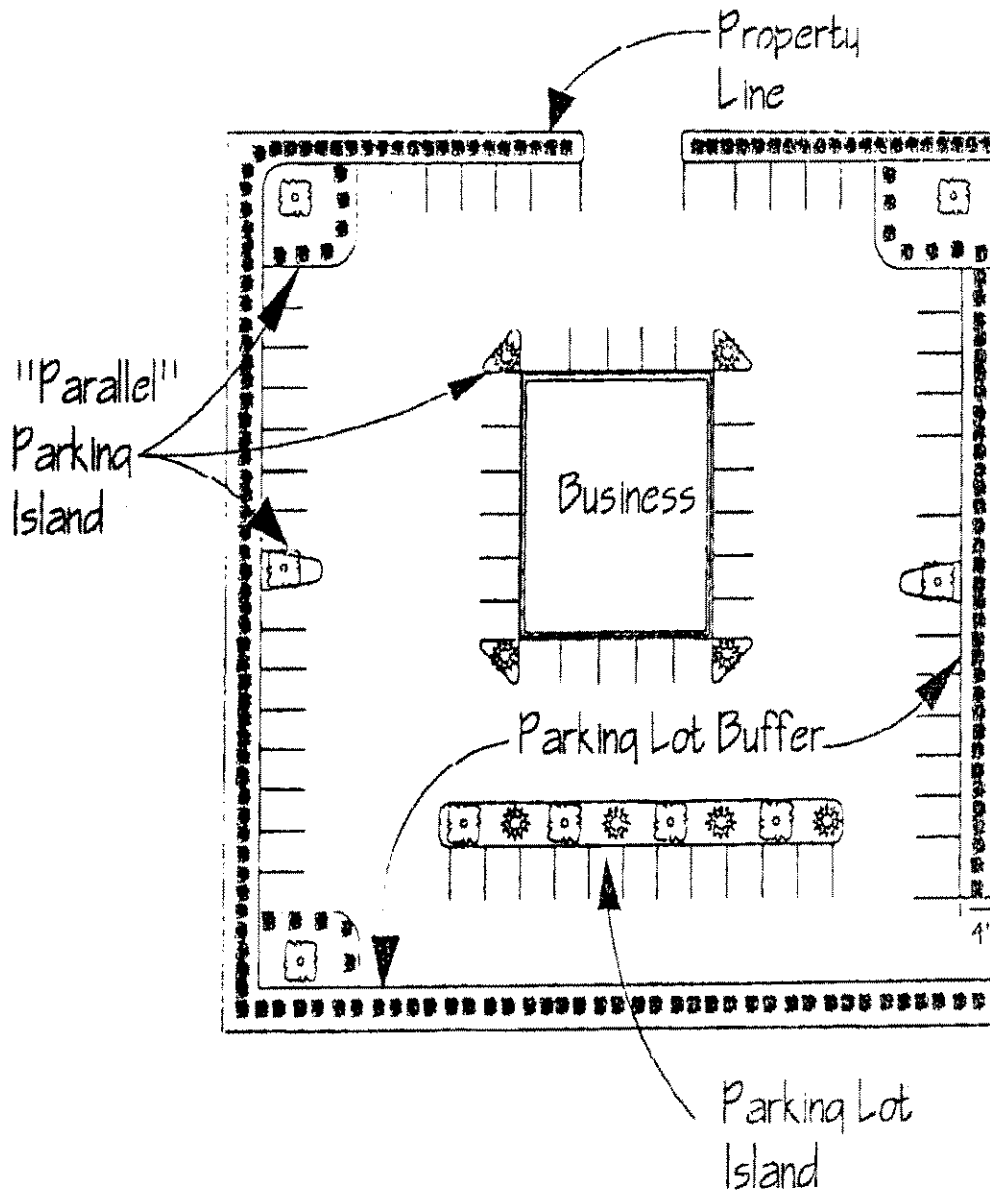
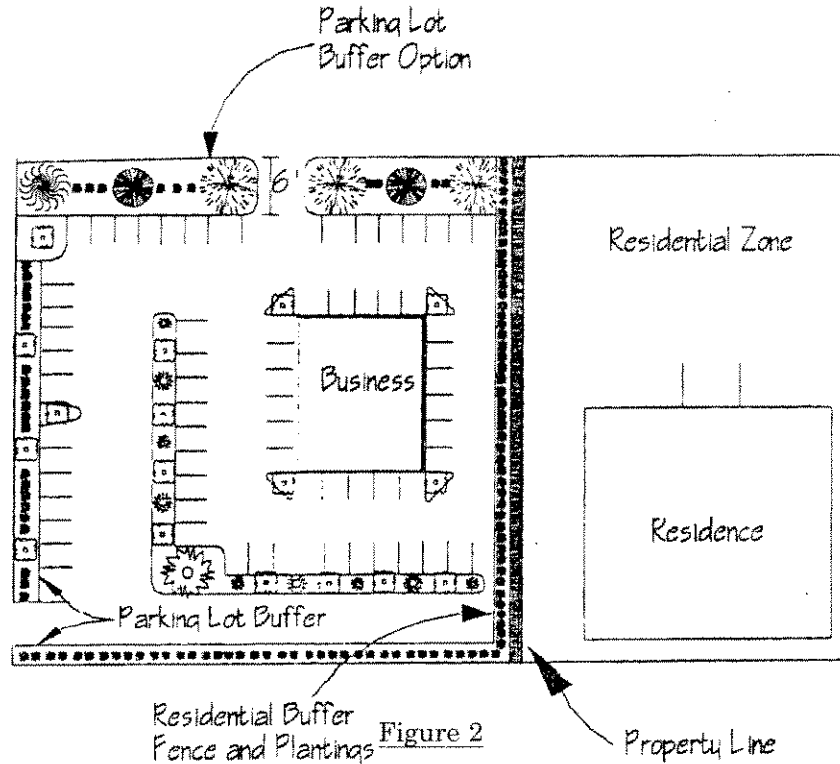


Figure 2



(Ord. No. 1999-2, 5-11-99)

**Sec. 10-7. Existing tree credits.**

In order to encourage the preservation of Greenville's older trees, certain requirements relating to the number and density of new trees may be waived in the event existing trees are preserved.

- (1) For each existing "significant Tree" with a D.B.H. between 6" and 10", fifteen (15) fewer points are required. For each existing "Significant Tree" between 11" and 24", twenty (20) fewer points are required. For each existing "Significant Tree" with D.B.H. over 24", twenty-five (25) fewer points are required. However, precautions must be taken during construction to prevent damage to the existing tree(s), and any tree that dies during or because of construction must be replaced with a similar species or species approved by the City Horticulturist to equal lost points. (E.g. an Oak with a D.B.H. of 25" is claimed as an existing tree, but subsequently dies. The developer must replace the tree with tree plantings which exceed 25 points).
- (2) Trees for which an owner/developer wishes to receive credit must be in the developed area and cannot be in undeveloped portions of the parcel. This stipulation prevents a developer with a large tract of land from claiming credit on portions left undeveloped and thus eliminating landscaping on the developed portion of the parcel.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-8. Maintenance.**

The owner is responsible for all maintenance and upkeep of planted trees in perpetuity within his/her development. After all plantings are finalized, the developer will schedule an inspection of the plantings with the City Horticulturist will issue a Certificate of Completion to the developer and building official.

If plantings are subsequently damaged, in poor condition, diseased or dead, the City Horticulturist may require the property owner to replace the plantings and bring the lot back into compliance. Failure to bring the lot into compliance could lead to the City withholding a City of Greenville Business License.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-9. Tree protection during construction.**

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements.

Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the dripline of the tree, given the specific site considerations.

(Ord. No. 1999-2, 5-11-99)

**Sec. 10-10. Recommended trees.**

The following is a list of recommended trees. Generally, these trees are suitable for Greenville's environment. Developers may deviate from this with written approval from the City Horticulturist. The City Horticulturist shall determine the point values for plantings not listed.

*Understory or Ornamental (25' tall or less), 1.25"-1.5" caliper, 5 points*

- (1) Eastern Redbud *Cercis canadensis*
- (2) Flowering Dogwood *Cornus florida*
- (3) Crape Myrtle *Lagerstroemia indica faureii* hybrids, var. Natchez, Muskogee
- (4) Trident Maple *Acer buergeranum*
- (5) Southern Wax myrtle *Myrica cerifera*

*Medium Shade Tree (25' 45' tall), 1.25" 1.5" caliper, 8 points*

- (1) Red Maple *Acer rubrum*
- (2) River Birch *Betula nigra*
- (3) Ginkgo Tree *Ginkgo biloba*
- (4) Southern Magnolia *Magnolia grandiflora*
- (5) Sweetbay Magnolia *Magnolia virginiana*
- (6) Ironwood *Ostrya virginiana*

- (7) Sourwood *Oxydendrum aboreum*

*Large Canopy Trees* (45' tall or greater), 2.0" 2.5" caliper, 11 points

- (1) Shumard Oak *Quercus shumardii*
  - (2) Live Oak *Quercus virginiana*
  - (3) White Oak *Quercus alba*
  - (4) Overcup Oak *Quercus lyrata*
  - (5) Willow Oak *Quercus phellos*
  - (6) Japanese Zelkova *Zelkova serrata* var. green vase, village green
  - (7) Nuttall Oak *Quercus nuttalli*
  - (8) Chinese Elm *Ulmus parvifili* var. drake, athena
  - (9) Laurel Oak *Quercus hemisphaerica*
- (Ord. No. 1999-2, 5-11-99)

**Secs. 10-11—10-13. Reserved.**

**Sec. 10-14. Levy of license in city.**

Pursuant to the provisions of Code of Alabama 1975, section 11-51-90, the city clerk shall have the power to license in the year 1998 and each successive year thereafter until this provision is amended or repealed, and exhibition, trade, business, vocation, occupation or profession not prohibited by the Constitution or laws of the state which may be engaged in or carried on in the city provided that this Code shall not be applied so as to be repugnant to or violate any provisions of the United States Constitution or the Alabama Constitution.

(Ord. No. 1998-8, § I, 9-22-98)

**Sec. 10-15. Definitions.**

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except when the context clearly indicated a different meaning:

*Business* is defined as any of the activities enumerated in section 10-17, below. It is the occupation, work or trade in which a person or company is engaged for which compensation is received. It is any commercial, industrial or professional dealings, enterprise or establishment. No business required by this chapter to secure a license shall be exempt from the payment of said license fee on the grounds that such business is operated for a charitable purpose unless it is organized exclusively for religious, charitable, literary or educational purposes or for the benefit of the community, and no part of the net earnings of such business or organization inures to the benefit of any private shareholder or individual.