



Legislation Details (With Text)

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**Title:** Request-to-Set a Public Hearing on Land Use Ordinance Amendments relating to the Tree Protection and Replanting Standards

**PURPOSE:** The purpose of this item is for the Board to consider setting a public hearing on potential text amendments to the Land Use Ordinance to update the tree protection and replanting standards to reflect current urban forestry standards including the use of canopy cover for compliance with shade requirements. A draft ordinance is being prepared for the Board’s consideration. A resolution setting a public hearing date for June 24th has also been prepared, and advisory board review would be needed prior to the public hearing.

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Resolution, 2. Attachment C - ART-XIX, 3. Attachment D - APPEND-E

Date	Ver.	Action By	Action	Result
5/27/2014	1	Board of Aldermen	approved	Pass

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**DEPARTMENT: Planning**

**CONTACT INFORMATION:** Christina Moon - 918-7325, Randy Dodd - 918-7326, David Jantzen - 918-7431, Mike Brough - 929-3905

**INFORMATION:** At its January 22, 2013 meeting, the Board received a staff report on potential approaches for tree replacement as a result of development. Current provisions in the Land Use Ordinance (LUO) related to trees and other vegetation are found in Article XIX, Screening and Trees. Regulations focus on three particular areas: 1) protecting trees during construction, particularly large and/or rare specimen trees; 2) using trees for visual screens to separate different classes of land uses; and 3) installing trees for shade within parking areas.

Provisions in Section 15-318 of the LUO, Protection of Trees During Construction, speak to required measures

to protect trees during construction and to replace trees greater than 18 inches in diameter which were identified on the plans as being retained but have subsequently died. Subsection 15-318(b) includes more specific requirements as to how a replacement tree must be equivalent of the original tree that it replaces. Provisions in Section 15-319 outline situations where the Town may require a developer to post a security to cover the potential replacement of certain large or rare species trees. Additional recommendations regarding tree protection can be found in Appendix E-1.

Through policies and regulations, the Town has demonstrated consistent efforts to protect and replace trees lost through the development process, including trees lost within a certain number of years after the development has been completed. However, the provisions in Section 15-318 were drafted and amended in the mid-to-late 1980s, and technology related to tree planting has changed. Today's tree ordinances typically use a tree canopy cover approach as the measurement for tree replacement with a percentage of canopy cover requirement based on land use.

A draft ordinance that reflects this new approach with requirements based on canopy coverage is being drafted and will be available at the meeting (as Attachment B). Developers in Carrboro could continue to plant street trees and parking lot shade trees as currently required but might also have to plant additional trees to comply with the tree canopy cover ratio. The draft ordinance will also provide updated techniques for planting outlined in Appendix E designed to increase the likelihood of plant survival.

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for June 24, 2014 and referring the proposed amendment to Orange County, the Planning Board, the Appearance Commission and the Environmental Advisory Board.