



## Legislation Details (With Text)

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<b>Type:</b>	Agendas	<b>Status:</b>		Passed	
<b>File created:</b>	6/17/2014	<b>In control:</b>		Board of Aldermen	
<b>On agenda:</b>	6/24/2014	<b>Final action:</b>		6/24/2014	
<b>Title:</b>	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 of Aldermen to consider 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 has been prepared. The Board must receive public comments before taking action on the draft ordinance.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A-1 - Consistency Resolution for Approval, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - Draft LUO amendment 6-19-2014, 4. Attachment C - LUO Appendix E, 5. Attachment D - Recommendations

Date	Ver.	Action By	Action	Result
6/24/2014	1	Board of Aldermen	approved	Pass

### TITLE:

Public hearing on Land Use Ordinance Amendments Relating to the Tree Protection and Replanting Standards

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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, Part II, 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 and to a lesser extent in subsection A-6, 24 in of Appendix A, Information Required with Applications.

While the Town has demonstrated a long history of 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, the standards and technology that arborists use has evolved since the provisions in the LUO were drafted and amended almost thirty years ago. 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 and also recognizes other standards that arborists now use to provide better tree protection has been prepared (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/protect additional trees to comply with the tree canopy cover ratio. The draft ordinance also includes a provision allowing for case-by-case relaxed canopy cover requirements to encourage solar access, stormwater management, and preservation of landscapes/streetscapes. The draft ordinance will also: 1) update policy statement and definitions; 2) change definitions of rare and specimen trees; 3) protect individual trees and tree stands; 4) provide updated techniques for planting outlined in Appendix E designed to increase the likelihood of plant survival; and 5) increase shading requirements from 20% to 35% for vehicle accommodation areas.

A draft ordinance was presented at the June 5<sup>th</sup> Joint Review Meeting and referred to Orange County. The Planning Board and the Environmental Advisory Board recommended minor modifications which staff has incorporated into a revised draft ordinance dated June 19, 2014. These modifications include the addition of a third canopy coverage category in the table under Section 15-319 (page B-7) and the addition of native canopy cover trees under definitions in Section 15-315 (page B-3). Comments are provided (Attachment D).

**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 resolution finding consistency, and the draft ordinance provided in the attachments.