



## MEMO: TREE ORDINANCE TEXT AMENDMENTS

Date: March 12, 2019  
To: Board of Commissioners  
From: Jason Burdette, Planning Director  
Re: DPO Section 9 (Trees/Landscaping Ordinance) - Text Amendments

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*The following sections highlight the proposed text amendments history, alignment with town aims, public engagement, pros/cons, and anticipated schedule/potential action.*

### 1. OVERVIEW

#### BACKGROUND

- **Purpose:** The standards promote the creation of a healthy tree canopy and landscape by establishing rules to regulate the establishment, preservation, and maintenance of natural features at the lot and site/master plan level.
- **Background:** In December 2016 the Livability Board suggested revising the standards to institute best practices, make adjustments, and clarify administration procedures. Updating the tree ordinance is listed as a high priority on the planning department workplan.

#### ATTACHMENTS

- **Presentation:** Provides an overview of the progress thus far, including: Work completed, remaining work, and next steps.

### 2. RELATED TOWN GOALS

#### STRATEGIC PLAN ALIGNMENT

- **Land Use Strategy:** The proposed standards consider the revision of development processes to more effectively guide the approval of landscape plans and tree permits.
- **Historic Preservation Strategy:** The proposed standards allow contemplate how to increase incentives for the preservation of healthy, mature trees that contribute to the town's authenticity as a historic, small college town.
- **Operations:** The standards would clarify the administrative and approval processes for DPO 9.
- **Partnerships:** The town's advisory boards have been and will continue to be involved throughout the process. Additionally, guidance has been sought from arborists with Mecklenburg County. Lastly, the proposed amendments contemplate partnering with local organizations that could help incentivize tree canopy establishment and preservation.

#### CORE VALUES

- **Open Communication:** Advisory board members have and will continue to play an instrumental role in reviewing/revising standards and engaging citizens.
- **Traditional Character:** The proposed standards would indirectly reinforce the historic character of existing streets throughout town while ensuring new streets are built in the same manner.
- **Healthy Environment:** The standards help to protect and enhance the town's tree canopy.

#### COMPREHENSIVE PLAN

- **Enable Faithful Stewardship, Goal 2 - Preserve Natural Habitats, the Lakeshore, and the Tree Canopy:** This goal recommends a variety of approaches being contemplated by the proposed policies and amendments, including:
  - » Promote healthy pruning techniques;
  - » Set measurable goals to increase and sustain forest cover;
  - » Consider using only native, drought-tolerant species in town landscaping projects;
  - » Create incentives and/or funds to assist landowners in mitigating tree removal through care practices or replanting;
  - » Create a tree canopy replanting and management plan;
  - » Revise requirements to better preserve existing tree canopy.

#### CONSTITUENTS SERVED

- **All Residents:** Residents across town experience the beauty of trees on our streets and in our public spaces and are positively impacted by the improved air quality that trees provide.
- **Administration/Government:** The proposed amendments increase administrative clarity, including application of standards and processes, compared to the current standards. This benefits landowners, too, who will have a better idea of steps needed to obtain approval.

### 3. OPTIONS/PROS & CONS

#### RECAP. – HIGH-LEVEL TOPICS

At the November 13, 2018 board of commissioners meeting the following topics were discussed and policy direction sought/confirmed. Below is a status update on each:

- **Arborist Involvement:** Established in 9.2.2.B and referenced throughout Section 9.
- **Tree Fund:** To be further explored as part of 9.3 work.
- **Landscape Bonds/Warranty:** Established in 9.2.2.D-E.
- **Canopy Preservation & Establishment:** To be further explored as part of 9.3 work. Tree canopy study underway with Plan-it-Geo; estimated completion Spring 2019.
- **Permitting/Removal Criteria:** To be further explored as part of 9.3 work.
- **Remediation Provisions:** To be further explored as part of 9.3 work.

#### OVERVIEW OF COMPLETED WORK, FUTURE WORK

The current status of work on the proposed amendments is as follows:

- **Completed Sections:**
  - » **9.1 Purpose & Intention:** This section has been reordered to address overarching goals first, then impacts addressed through the ordinance, then issues of property and aesthetics.
  - » **9.2 Applicability & Administration:** This section has been revised to designate an Arborist as a key figure in the approval of plans and permits. And, various changes have been made to

clarify the documentation requirements for landscape plans as well as the criteria governing landscape bonds, inspections, and the replacement of damaged vegetation.

- » **9.4 Street Tree Plantings:** This section has been revised in a few minor but important ways – namely, instituting standards to ensure robust plantings along streets but with flexibility accorded to the Arborist in making sure the intent of the requirements are met. References to third-party standards are included as a best practice.
- » **9.5 Site Landscaping:** Minimal adjustments have been made to this section, which establishes clear standards for depicting landscape/vegetation on site plans and minimum planting standards for areas around buildings.
- **Remaining Sections:**
  - » **9.3 Tree Coverage & Preservation:** A spreadsheet of comparable ordinance standards for 14 peer communities has been compiled and will be utilized in reviewing/revising the related standards in this section. Additionally, a tree canopy study is currently underway and is anticipated to be completed in April/May. The results of the study will inform this section's standards. Lastly, work will be undertaken regarding the violations/penalties associated with tree removal and non-compliance.
  - » **9.6 Parking Area Landscaping:** This section covers planting and design requirements for existing as well as new parking lots. Minimal adjustments to this section are anticipated.
  - » **9.7 Screening:** This section covers special use circumstances. Minimal adjustments to this section are anticipated, with the main aim being to eliminate redundancies with Section 4.3.1.E of the ordinance.
  - » **9.8 Installation & Maintenance Standards:** This section covers miscellaneous topics ranging from soil compaction to fencing to encroachments. Minimal adjustments to this section are anticipated.

#### 4. FYI/RECOMMENDED ACTION

- **Feedback:** The March 12, 2019 meeting is an opportunity for commissioners to understand the status of the work plan as well as to provide guidance concerning the high-level policy decisions being contemplated by the amendments.

#### 5. NEXT STEPS

- **March 12, 2019:** Commissioners update and discussion/feedback provided.
- **March 2019:** Sections 9.6-9.8 completed by Planning Board Ordinance Committee.
- **April 2019:** Section 9.3 completed by Planning Board Ordinance Committee.
- **April/May 2019:** Tree canopy study completed and results utilized
- **Late Spring/Early Summer 2019:** Public hearing, Planning Board recommendation, commissioner consideration of approval.