

Proposal:

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

Section 7.29 Tree Preservation

(D)(1) Undeveloped parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree of up to and including ~~7-9~~ 7.9 inches may be removed without a permit.

(D)(1)(a) On parcels of 25 acres or greater zoned C-1, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9" DBH upon a finding of the following:

(D)(4) Existing development. A parcel of land containing a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

(D)(4)(a) Prior to issuance of a tree removal permit, a ~~site or~~ plot plan (hand sketched if necessary) must be submitted showing the ~~show the~~ footprint for the principal structure, septic system, detached buildings, ~~(sheds, garages, etc.)~~ pools, driveways, and trees proposed for removal. Any tree not being used as a Red Cockaded Woodpecker nest may be removed within fifteen (15) feet of principal structures ~~or the~~ septic systems, and pools and within five (5) feet of detached buildings and driveways subject to the provisions of this section. Significant trees, as defined herein, and trees removed within 5.1' feet and 15 feet of a pool will require mitigation.

(D)(4)(a)(i) On residential parcels with a principal structure, the UDO Administrator may approve the removal of trees outside of these parameters upon submittal of documentation from the applicant's insurance company that the tree(s) pose a risk to the structure, and the policy is in jeopardy of cancellation, and for usable open area upon a finding that a minimum of one (1) inch DBH per two hundred twenty (220) square feet of lot area will be preserved. Only trees 7.9 inches and larger shall be used in calculating the preserved DBH, and all trees 7.9 inches and larger located within the distance parameters in (D)(4)(a) shall not count towards the preserved DBH.

(E) Mitigation. The removal of any "significant tree" as defined by this ordinance must be mitigated in accordance with the following standards:

(3) In situations where site features make it impractical to plant trees back on the site, payment may be made to the tree management fund, upon approval of the UDO Administrator, in an amount sufficient to cover the cost of the required replanting.

(F) Exceptions. The requirement to obtain a clearing permit shall not apply to the activities listed below.

(1) The removal of dead, severely damaged, or diseased trees, and trees which are injurious to sanitary sewers, electrical power lines, gas lines, water lines, streams or conveyance channels. The UDO Administrator may require determination be made by a certified arborist in cases of dead, damaged, and/or diseased trees.

(2) Parcels with an approved site plan, provided such approval has not expired, and all clearing is done in strict accordance with the approved plan.

(3) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes, or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.

Section 7.38 Authority of UDO Administrator to Treat or Remove Trees on Private Property

(B) The UDO Administrator may cause or order the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees. The UDO Administrator or their designee will notify in writing the owner(s) of such trees and removal shall be done at the owner(s) expense within 30 calendar days after the date of service of notice. In the event of failure of the owner(s) to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner(s).

Appendix A Definitions

Tree Management Fund

A fund established to receive money for compensation for damage to public trees, the unauthorized removal of trees, or for fees-in-lieu of required replanting. The funds are used to replant, maintain, or improve the health of the City's urban forest, assist with tree care services by certified arborists, implement and update applicable ordinances, and to provide educational awareness and resources for reducing tree canopy loss and implementing urban forest management improvements.