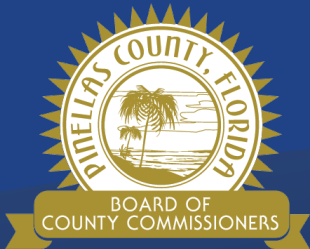# Land Development Code – Tree Regulation Updates Case #LDR-25-02

Building and Development Review Services

Staci Tippins

DRS Environmental Manager

Proposed Changes

- **Chapter 166 (LDC)**
  - Habitat Protection and Wetland Buffers

- **Chapter 138, Article X, Division 3 (LDC)**
  - Landscaping for residential and commercial lots

- **Chapter 58 (<u>not</u> LDC – 2nd Reading)**
  - Tree removal and mitigation

- **Fee Resolution (2nd Reading)**
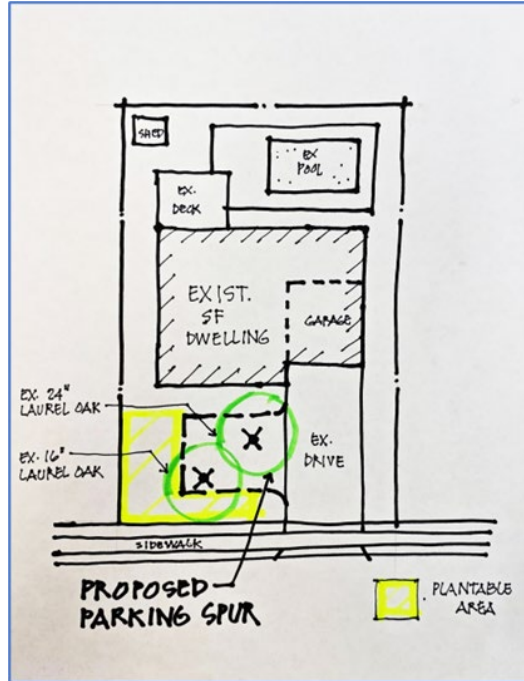
Current Examples

Project:
5,500 SF lot,
driveway addition,
two trees removed

A. **Mitigation Required:**
   27 shade trees or $10,233 tree bank fund

B. **Landscaping Requirement:**
   2 shade trees
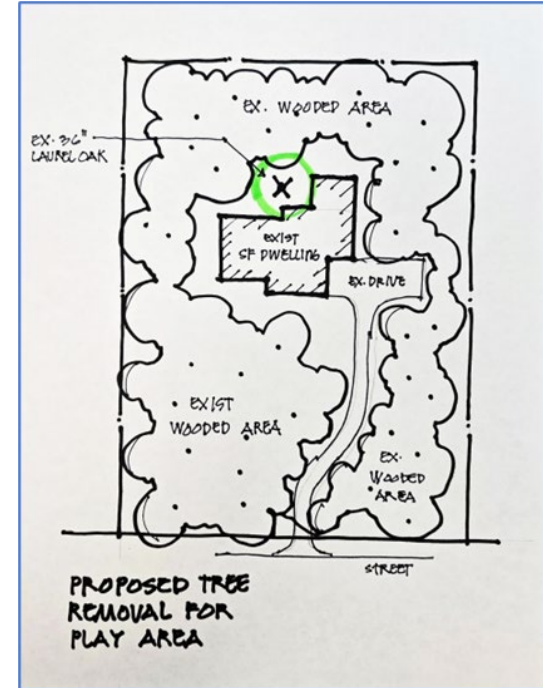

Project:
2-acre wooded lot,
play area, one tree
removed

A. **Mitigation Required:**
   24 shade trees or $9,096 tree bank fund

B. **Landscaping Requirement:**
   44 shade trees

Tree Rating System - Table 58-813(a)

Grade	Description	Removal and Replacement Requirements
0 "Poor"	• Dead/dying • Nuisance or invasive species	• May be removed with approved permit. • No replant trees required. • Minimum landscape requirements do not apply.
1 "Fair"	• Moderate die • Damage from insects or diseases • Single or multiple defects	• May be removed with approved permit. • Replant trees required per Table 58-813(b). • Minimum landscape requirements apply.

2 "Good"	• No significant damage due to disease or pests
	• Minor dieback
	• Minor defects that are correctable
		• May be removed with an approved permit when:
		  • Interferes with existing/proposed improvements or utilities
		  • Risk to health, safety, welfare
		• Minimum landscape requirements apply.
		• Replant trees required per Table 58-813(b).

3 "Excellent"	• Native tree in excellent condition • No defects • Historic and specimen trees	• Same as above

Table 58-813(b) – Replant Tree Requirements

DBH of tree removed	Number of replants required by grade		
	Grade 1	Grade 2	Grade 3
4" – 14"	1	2	3
14.1" – 24 "	2	4	6
24.1" – 34"	3	6	9
>34"	4	8	12

Mitigation options:

1. <u>Replant</u> trees per table

2. <u>Remove</u> nuisance/invasive species

3. Plant <u>native vegetative community</u>

4. Tree Bank <u>Contribution</u>

5. <u>Combination</u>

Residential Landscaping – Sec. 138-3658

Landscape Trees Per Developed Lot:

Lot Size (square feet)	Minimum Trees Per Lot
≤ 2,500	1
2,501 – 5,000	2
5,001 – 7,500	3
7,501 – 10,000	4
> 10,001	4 plus one tree per 3,000
Note: A maximum of 15 trees will be required to meet minimum trees per lot requirements.	

Landscape Options:
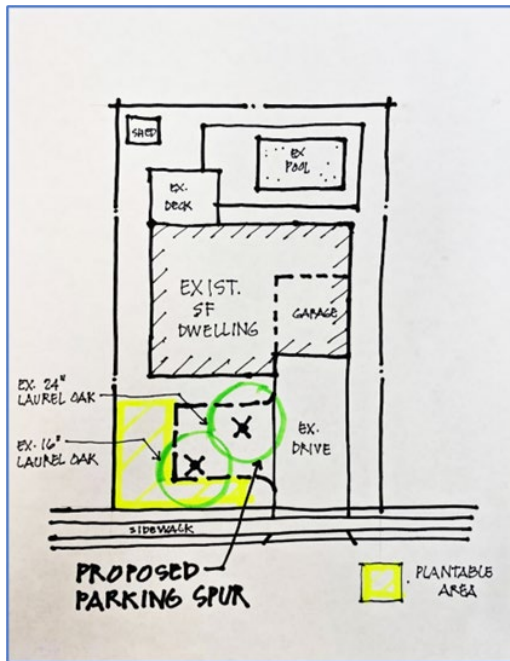1. Preserve
2. Plant
3. Pay – up to 40%

Revised Examples

Project:
5,500 SF lot, driveway addition, two trees removed

A. Mitigation Required:

Current	Proposed
27 trees	8 trees
$10,233 tree bank fund	$1,800 tree bank fund

B. Landscaping Requirement:
2 trees

Project:
2-acre wooded lot, play area, one tree removed

A. Mitigation Required:

Current	Proposed
24 trees	8 trees
$9,096 tree bank fund	$2,400 tree bank fund

B. Landscaping Requirement:
15 trees MET
(44)
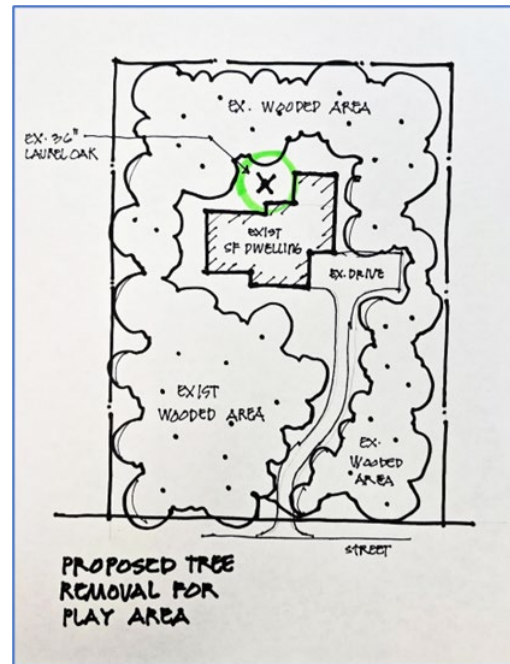
Recommendation

Proposed Amendments

- July 31st – Proposed changes presented to BCC at work session
- Reviewed by both internal and external stakeholders
- Nov. 12th – Local Planning Agency Recommended Approval (Vote 6-0)
- Consistent with the Comprehensive Plan

Staff recommends approval

1. Ordinance amending Chapters 138 and 166 of LDC
2. Ordinance adopting Tree Code in Chapter 58
3. Fee resolution – Tree Bank contribution in lieu of planting