ATTACHMENT A

DURHAM 1869 CITY OF MEDICINE

UDO Text Amendment

DURHAM COUNTY NORTH CAROLINA

Tracking Information (Staff Only)

Case Number: TC1300002	Date: 8/1/13	Article: See Attached

Applicant

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Signature/Date _____

Requested Change

Describe what you want to change in the ordinance and why:

REQUEST TO CHANGE THE CRITERIA USED IN THE DETERMINATION OF TREE PROTECTION AND TREE COVERAGE. (8.3)

SEE ATTACHED FOR ADDITIONAL INFORMATION.

Fees (Staff Only)

Date: 8/1/13	Staff: [illegible]	Account: Account:	Fee: 3905.00

PD 8/1/13

UDO TEXT AMENDMENT REQUEST
City of Durham – Planning Department
Michael Stock, Senior Planner
August 1, 2013

TEXT AMENDMENT REVISION AND TEXT ADDITION

8.3 Tree Protection and Tree Coverage

8.3.1.C.5 For the purpose of calculating tree coverage requirements, the following shall be excluded from the total area of the development tract:

a. The water surface area of ponds, lakes, *created stormwater control measures (SCM)* and other water bodies ~~(excluding stormwater control structure)~~

b. Right of Way dedication for the widening of existing road right-of-way.

c. *A linear utility easement(s)[1] in excess of thirty (30') feet in width that is contained within a site shall not be included in determing tree coverage area. The area of the easement in excess shall be removed from the gross land area calculation in determing total tree coverage area.*

d. *Areas that do not permit the planting of trees per requirements set forth by public and private utility entities or defined restrictions*

Sample Calculation: Development tract with a gross land area of 5.0 acres or 217,800 SF has a power line easement 100-feet wide X 750-feet long that traverses the development tract.

Easement area is 70' (100' less 30') X 750' = 52,500 SF

52,500 SF equals the amount of area deducted from the total development tract in determining tree coverage area.

Lot 217,800 SF – 52,500 SF equals 165,300 SF is used for percentage of preserved tree coverage area. (165,300 SF x 20% residential = 33,060 SF tree coverage)

The sample calculation and text amendment wording is similar to what is currently in the UDO under 6.4.3.A Major Roadway Density Bonus.

REASON TO APPROVE THE TEXT AMENDMENT

Section 6.2 Conservation Subdivision

The areas of utility easements cannot count towards Primary Conservation areas as Preserved Tree Coverage. (6.2.4.H.1) Utility easements do not count towards Secondary Conservation areas as Preserved Tree Coverage (6.2.4.H.2). A minimum of 50% in Rural Tier and Suburban Tier must be preserved for Open Space but utility easements cannot be counted towards meeting the conservation area requirements. (6.2.1.A.1)

Section 6.3 Residential Suburban (RS) Development Intensity

Projects that are zoned RS-10, RS-8 or RS-M all require a minimum gross open space of 15% with 5% provided as useable open space. (6.3.1.A.1) Open space determination does not allow utility easements to meet these requirements; however a utility easement does prevent the percentage of land that can be developed.

Section 8.3 Tree Protection and Tree Coverage

Per the Unified Development Ordinance (UDO), tree coverage is not permitted within easements, except in defined conservation, greenway and landscape easements. (8.3.1.D.5.b) This section of the Ordinance should permit a reduction in required tree coverage for easement as noted above.

Tree coverage areas should be located in common open space or buffers as required. Calculations for tree coverage shall be able to remove the area within utility easements in excess of thirty (30') feet as noted above. (8.3.1.C.3a and b)

Summary

Utility easements that are included within a development tract are restricted to the ability to install trees to meet the requirements of the tree coverage requirements. A portion of utility easement(s) should not be included to determine tree coverage area within the development tract since the entire easement cannot be credited as tree coverage area.The amendment would reduce the gross land area that is used to determine tree coverage to better match the areas of a development tract that can contain tree coverage.

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[i] Utility easements and/or utility right-of-way may include but is not limited to; sanitary sewer, storm sewer, electric, cable, communication, gas, water, etc. Above ground stormwater structures are included with this exemption.