AN ORDINANCE TO REVISE STANDARDS FOR GRADING AND TREE COVERAGE WITHIN THE  
UNIFIED DEVELOPMENT ORDINANCE (TC2200004)  

WHEREAS, the [Durham Board of County Commissioners/Durham City Council] wishes to amend certain provisions in the Unified Development Ordinance by making various changes to tree coverage, landscaping, and subdivision regulations; and  

WHEREAS, it is the objective of the [Durham Board of County Commissioners/Durham City Council] to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;  

NOW, THEREFORE, be it ordained that Article 8, Environmental Protection; Article 9, Landscaping and Buffering; and Article 13, Additional Requirements for Subdivisions, of the Unified Development Ordinance are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:  

PART 1  
[Amendments to Article 8, Environmental Protection]  
Sec. 8.3  
Tree Protection and Tree Coverage  
[Paragraphs not shown remain unchanged]  
8.3.1 Tree Coverage Standards  
B. Applicability  
1. Tree coverage standards shall only be applied in the Urban and Suburban Tiers, and in the Compact Neighborhood Tier on sites not zoned Design District.  
2. Except for trees required on individual lots per paragraphs 8.1.3C.4.a(1)(b) and 8.1.3C.4.b(2), developments of less than two acres in size or not utilizing mass grading in the Urban Tier shall be exempt from tree coverage requirements if no clear-cutting pursuant to paragraph 8.3.4, Clear-Cutting, will be or has been performed.  
3. Additions to existing residential structures, excluding multiplexes and apartments, are exempt from tree coverage requirements.  
C. Tree Coverage  
3. Locations  
b. Any forested land in the floodway, non-encroachment area, floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) (unless proposed to be filled or developed in accordance with paragraph 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas), preserved wetlands and wetland buffers, steep slope areas, riparian buffers, Durham Natural Inventory Sites, Major Transportation Corridor (MTC) buffers, and any portion of the tract left undisturbed in order to create required perimeter buffers that satisfies the minimum size requirements established in paragraph 8.3.1D, Preserved Tree Coverage, or paragraph 8.3.1E, Replacement Tree Coverage, below, can be used as tree cover.  

Suburban Tier  
The percentage of a tract or phase which shall have tree coverage is as indicated below. The total tree coverage area shown reflects the addition of replacement tree
coverage area to the preserved tree coverage area shown. For certain calculation exclusions in paragraph 8.3.1C.5, Tree Coverage Calculation Exclusions, the total required tree coverage may be adjusted.

**a. Suburban Tier**

(1) Residential Development

(a) A minimum of 20% preserved tree coverage shall be required per any phase that does not exceed 35 acres, or if the overall development qualifies as one of the following:

i. The overall development provides affordable housing utilizing Sec. 6.6, Affordable Housing Bonus or as an approved Low Income housing Tax Credit (LIHTC) development.

ii. The overall development provides at least three different housing types, with each housing type consisting of at least 20% of the overall number of units of the development. The housing type mix shall be as follows:

   a. One of the housing types shall be Multiplex.

   b. The other two housing types shall be at the discretion of the applicant.

iii. The overall development utilizes specific, substantial green infrastructure/stormwater.

If that amount cannot be satisfied pursuant to paragraph 8.3.1D, Preserved Tree Coverage, above, then the tree coverage utilizing tree replacement, per the percentages within the table below, shall be required.

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area (%)</th>
<th>Total Tree Coverage Area Required (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 15 but less than 20</td>
<td>23%</td>
</tr>
<tr>
<td>At least 10 but less than 15</td>
<td>24%</td>
</tr>
<tr>
<td>Less than 10</td>
<td>25%</td>
</tr>
</tbody>
</table>

(b) For a phase of a development that exceeds 35 acres and the overall development does not qualify under paragraph a, above, then a minimum of 30% preserved tree coverage shall be required for that phase. If that amount cannot be satisfied pursuant to paragraph 8.3.1C.3.b, above, then the tree coverage utilizing tree replacement per percentages within the table below shall be required.

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area (%)</th>
<th>Total Tree Coverage Area Required (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 25 but less than 30</td>
<td>33%</td>
</tr>
<tr>
<td>At least 15 but less than 25</td>
<td>34%</td>
</tr>
<tr>
<td>Less than 15</td>
<td>35%</td>
</tr>
</tbody>
</table>

(2) Nonresidential Development
A minimum of 10% preserved tree coverage shall be required. If that amount cannot be satisfied pursuant to paragraph 8.3.1C.b, above, then the tree coverage percentages within the table below shall be required.

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area (%)</th>
<th>Total Tree Coverage Area Required (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 8 but less than 10</td>
<td>13</td>
</tr>
<tr>
<td>At least 6 but less than 8</td>
<td>14</td>
</tr>
<tr>
<td>Less than 6</td>
<td>15</td>
</tr>
</tbody>
</table>

b. Urban Tier and Compact Neighborhood Tiers

(1) Residential developments and development in residential districts shall provide a minimum seven percent preserved tree coverage. If that amount cannot be satisfied pursuant to paragraph 8.3.1D, Preserved Tree Coverage, then the tree coverage percentages within the table below shall be required.

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area (%)</th>
<th>Total Tree Coverage Area Required (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 5 but less than 8</td>
<td>813</td>
</tr>
<tr>
<td>At least 3 but less than 5</td>
<td>914</td>
</tr>
<tr>
<td>Less than 3</td>
<td>1015</td>
</tr>
</tbody>
</table>

PART 2
[Amendments to Article 9, Landscaping and Buffers]

Sec. 9.4 Project Boundary Buffers
[Paragraphs not shown remain unchanged]

9.4.3 Standards
C. Modifications of the Project Boundary Buffer Table

6. For residential development utilizing mass grading in the Suburban Tier, a minimum opacity of 0.40.6 shall be required, unless a greater opacity is otherwise required.

PART 3
[Amendments to Article 13, Additional Requirements for Subdivisions]

Sec. 13.9 Phased Development

Preliminary plats and site plans shall indicate proposed phasing, with no individual phase exceeding 50 acres.

A. Phasing plans shall be included in the first submittal and shall be reviewed and evaluated as part of the overall development.

B. Off-site improvements are excluded from phasing; however, they may be required within a certain phase to satisfy overall development requirements.
C. Each phase of a development shall be "stand alone" in regard to utilities, fire protection, streets and stormwater management. Phase lines must follow reasonable and logical boundaries, such as terminating at intersections or following topographical breaks.

D. Each phase shall consist of the required tree coverage for the development.

E. Phases shall be constructed in the approved manner to ensure orderly and planned development. Phases shall be planned to ensure the efficient construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development is contiguous.

F. Lot numbers should not be duplicated within different phases of the same subdivision.

G. Each proposed phase shall, at a minimum, include the transportation, utility, and other public/private infrastructure shown on the proposed phasing plans, such that each phase is independent of subsequent phases.

H. All right-of-way and/or easements for public infrastructure servicing the respective phase must be recorded with the first plat.

I. Water and sewer extension permit applications for each individual phase of the project are required after plan approval.

J. No land disturbing activity in a subsequent phase shall commence until:
   1. The first asphalt layer of the street or other vehicular system of the previous phase has been laid and inspected; and
   2. The lot(s) in the previous phase have been stabilized, inspected, and approved per the County Sedimentation and Erosion Control standards.

PART 4
That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes and clarifications.

PART 5
That this amendment of the Unified Development Ordinance shall become effective upon [insert date].