A Guide to the draft Tree Protection Ordinance for Chatham County

 8/1/2020

 Several sources were used in preparation of this draft. The primary source is entitled “Developing Tree Protection Ordinances in North Carolina,” which was prepared by the Nicholas Institute for Environmental Policy Solutions and the North Carolina Forest Service (edited edition of 2017 used).[[1]](#footnote-1) Other sources include “Staying Green: Local Tree Protection Ordinances in North Carolina;”[[2]](#footnote-2) “Recommendations of the Tree Advisory Committee,” Submitted to the Environmental Advisory Board (Town of Cary, 2019);[[3]](#footnote-3) “Chapel Hill Tree Protection Ordinance;”[[4]](#footnote-4) “Recommendations for Implementing a Tree Protection Ordinance in the Town of Pittsboro” [[5]](#footnote-5) and tree protection ordinances of Durham, Asheville, Charlotte and Gastonia.

Section 1 contains a brief statement of “purposes and goals” of the ordinance and a statement of its relationship to other ordinances and rules.

Section 2 provides that “regulated trees” governed by the ordinance are trees that would be removed or affected by construction or development subject to a required permit. Persons engaged in such activity must have a “tree protection plan” approved by the Planning Department. These plans will generally require maintenance of the tree canopy on the property as well as protection of rare and specimen trees and of significant tree stands. In lieu of such tree protection actions, payments may be made into the County tree mitigation fund but such payments are allowed only when protection of the tree or trees would be unreasonably expensive, would impede realization of another important County goal or would create some other undesirable circumstance or outcome. Certain exemptions to these preservation requirements apply, e.g., for the removal of dead or seriously diseased trees and when emergency removal of a tree is required.

Section 3 states that the County generally desires to preserve tree canopys and it then states in percentage terms the minimum tree canopy that is required depending on the type of development involved. The required canopy percentage on the lot is higher for single-family homes and lower for business and institutional developments where the structures usually occupy a much larger portion of the lot. In addition to the general canopy requirement, this section also defines rare trees, specimen trees and “significant tree stands” and describes how they must be preserved. This section also outlines the requirements for a tree protection plan, which is the basic mechanism for tree preservation and a description of how the tree protection plan is to be administered.

Section 3(A)(7) is an attempt at a provision that would require more tree coverage in commercial parking lots. This is an important topic but this section requires more work.

Section 4 is titled “Administration.” It provides that the Planning Department is generally charged with administering the ordinance and that the County may establish a Tree Advisory Commission to monitor and make recommendations regarding tree protection. This section also specifies that the Board of Commissioners shall set fees to be charged in connection with the program, how persons are to be notified of violations and how penalties may be imposed.

Section 5 states various rules regarding interpretation of the ordinance and section 6 contains definitions.

Footnote 1: <http://www.ncforestservice.gov/urban/pdf/treeprotection.pdf>

Footnote 4: <https://carync.app.box.com/s/lqbma310rfxgb4lyg0tje08fh7zh5lwu>

Footnote 5: <https://pittsboronc.gov/DocumentCenter/View/1341/Tree-Protection-Element-PDF>

1. <https://www.ncforestservice.gov/Urban/pdf/treeProtection.pdf>. [↑](#footnote-ref-1)
2. [file:///Users/johngraybeal/Documents/13stayinggreen-1.pdf](file:///C%3A%5CUsers%5Cjohngraybeal%5CDocuments%5C13stayinggreen-1.pdf) [↑](#footnote-ref-2)
3. [file:///Users/johngraybeal/Documents/2019-05-06%20Tree%20Advisory%20-%20Public%20Agenda-1694.pdf](file:///C%3A%5CUsers%5Cjohngraybeal%5CDocuments%5C2019-05-06%20Tree%20Advisory%20-%20Public%20Agenda-1694.pdf) [↑](#footnote-ref-3)
4. <https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART5DEDEST_5.7TRPR> [↑](#footnote-ref-4)
5. [https://pittsboronc.gov/vertical/sites/%7B512CE168-4684-4855-9CD9-7D209FE775E3%7D/uploads/Tree\_Protection\_Ordinance\_Recommendations\_072215(1).pdf](https://pittsboronc.gov/vertical/sites/%7B512CE168-4684-4855-9CD9-7D209FE775E3%7D/uploads/Tree_Protection_Ordinance_Recommendations_072215%281%29.pdf) [↑](#footnote-ref-5)