

**TOWN OF SILER CITY
ORDINANCE 2022 UDO LARGE TREE EXEMPTION FOR GOLF COURSE**

**AN ORDINANCE AMENDING ARTICLE XIX (SCREENING AND TREES) OF
THE TOWN OF SILER CITY UNIFIED DEVELOPMENT ORDINANCE (UDO)**

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

SECTION 1: **AMENDMENT** “307 Retention And Protection Of Large Trees” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

307 Retention And Protection Of Large Trees

- (a) Every development shall retain all existing trees eighteen (18) inches in diameter or more unless the retention of such trees would unreasonably burden the development.
- (b) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more (measured at five (5) feet above average grade), and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12 ½) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
- (c) The retention or protection of trees eighteen (18) inches in diameter or more as provided in §307(a) and §307(b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
- (d) Incentives and Alternatives - If space that would otherwise be devoted to parking cannot be so used because of the requirements of §307(a) or §307(b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces “lost” because of the provisions of §307(a) and §307(b), up to a maximum of fifteen (15) percent of the required spaces.
- (e) Large trees located along the edge of construction corridors should be retained wherever possible. Disturbed areas should be re-seeded with mixtures beneficial to wildlife, i.e. native annual grains appropriate for the season.
- (f) Exemptions

- (1) Property within the A-R (Agricultural-Residential) and C-C (Central Business) zoning district.
- (2) Existing or proposed single-family detached dwellings or two-family dwellings on individually owned lots.
- (3) Multifamily developments containing less than five (5) dwelling units on a single zone lot.
- (4) Lots smaller than one (1) acre.
- (5) The removal of trees in conjunction with tree farms, agricultural practices, or commercial nurseries.
- (6) Removal of trees that are dead, dying, diseased, or damaged from storms or other causes.
- (7) Removal of trees that pose a risk to public health, safety, and welfare to the property.
- (8) Tree removal to protect utilities or maintain utility right-of-ways.
- (9) Trees located within a project's future right-of-way, outline of a building envelope/footprint, project parking area.
- (10) Blockage of stormwater control mechanisms.
- (11) Forestry activity on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the NC General Statutes.
- (12) Activity conducted in accordance with a forest management plan prepared by a forester registered as prescribed in Chapter 89B of the NC General Statutes
- (13) Notwithstanding any authority under G.S. §160A or any local act of the General Assembly, no ordinance regulating trees may be enforced on land owned or operated by a public airport authority.
- (14) The removal of trees on an existing golf course property for maintenance purposes that:
 - a. Prevent healthy grass coverage/growth on tee boxes, fairways, rough, and greens to reach an optimal level or survival; and/or
 - b. Damage cart paths (e.g., cracked, raised) with the tree's root system.
 - c. Note: A Type B semi-opaque screen shall be maintained if the existing adjoining land use is single family residential.

(g) Tree Survey

- (1) Tree survey is required prior to any land disturbing activity or any applications for grading, building, or rezoning.
- (2) Tree survey must be submitted in conjunction with site review plan application.
- (3) Tree survey is prepared by a surveyor, registered forester or certified arborist.
- (4) Elements required as part of the tree survey include: location of trees, size of trees, species of trees, and where clear cutting activity occurred within the previous three (3) years
- (5) All trees that were previously on the site need to be identified and quantified in some way.

(h) Credits for Retained Trees

- (1) Trees retained may be used to satisfy streetscape, screening, and shading requirements and can receive credits according to the following: The

developer shall receive credit toward planting requirements of four (4) trees for each retained tree that remains on site after construction that is eighteen (18) inches in diameter or greater.

(i) Mitigation for Trees Not Retained

- (1) If a property owner/applicant cannot preserve trees eighteen (18) inches in diameter or greater, then the property owner/applicant shall replant at least the same number of existing trees that cannot be preserved that are eighteen (18) inches or greater; and/or
- (2) Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
- (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

(j) Trees Removed Prior to Site Plan and Zoning Permit Approval

- (1) If the Town can determine the number of trees eighteen (18) inches or greater that were removed, then the owner/applicant shall be subject to the following:
 - a. For every tree that is removed that is eighteen (18) inches diameter or greater, the owner/applicant must replace four (4) times the number of trees that were removed; and/or
 - b. Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
- (2) If the Town cannot determine the number of trees that were removed that are eighteen (18) inches or greater, then the owner/applicant shall be subject to a fee equal to ten cent (\$.10) per square foot (\$4,356 per acre) of cleared property.
- (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

(k) Any fees collected will be deposited into the Town of Siler City Landscaping account.

- (1) Funds shall be spent on landscaping located on public property including but not limited to: streetscape improvements, public parks, public spaces, public road right-of-ways, and public parking lots.
- (2) Fee shall be paid prior to any development permits are issued.

Amended June 15, 2015, Amended January 21, 2021


REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS on October 17, 2022.

Presiding Officer

Attest



Thomas K. Price III, Mayor, Town of Siler City



Jenifer K. Johnson, Town Clerk,
Town of Siler City

