



**An Ordinance to Amend Article 10 Landscaping and
Appendix C Plant Materials of the Unified Development Ordinance (UDO)
of the Town of Sunset Beach, North Carolina**

THAT WHEREAS, the Town has enacted a Unified Development Ordinance that controls land development within both the Town’s incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the town’s Unified Development Ordinance; and

WHEREAS, Town staff has initiated a text amendment requesting a review of the town’s Unified Development Ordinance concerning the preservation of tree and seeks clarification for the process by which golf courses may remove trees; and

WHEREAS, the Planning Board reviewed and deliberated the options, and reached a 3 to 0 vote to recommend to the Town Council that an amendment to subsection 10.06 Preservation of Trees and Appendix C. Section C.1 Heritage Tree Determination be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on June 26, 2017, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board finds that the proposed amendment to the Unified Development Ordinance Article 10 Landscaping and Appendix C Plant Materials is consistent with the Sunset Beach Comprehensive Land Use Plan; and

WHEREAS, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: is consistent the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 9 stating that “The Town encourages efforts to preserve tree cover in new development and redevelopment,” and finds that it is in the public interest because protection of tree canopy mitigates stormwater runoff, increases property values, and enhances air quality.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 10 Landscaping Section 10.06 Preservation of Trees and is hereby amended as follows:

Section 10.06 Preservation of Trees

(A) Purpose. The purpose of this section is:

- (1) To recognize the importance of mature trees to the quality of life;
- (2) To conserve energy and retard storm water runoff;
- (3) To safeguard and enhance property values and to protect public and private investment through protection of significant **existing trees**; and
- (4) To prevent the indiscriminate removal of trees.
- (5) To protect trees considered valuable to the Town of Sunset Beach as defined in Appendix C, **Heritage Trees/Plant List**.

(B) Heritage Tree Survey

(1) A heritage tree survey shall be required for any multi-family development, nonresidential development, major subdivision or planned unit development along with appropriate application for a site plan, preliminary plat, or special use permit. The heritage tree survey shall show the general location, species and size of any tree. However, a heritage tree survey shall not be required for land in the floodway (unless filled or developed in accordance), preserved wetlands and wetlands buffers, steep slope areas, and stream buffers.

(2) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a heritage tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.

(3) Having better information about the location of heritage trees is not especially useful where plans call for the preservation of large areas of undisturbed vegetation. An example is the pervious portions of developments in watershed protection districts. Producing such information adds to the project's cost without providing information that could result in project redesign. Where unique site conditions or a proposed development arrangement indicate that the required heritage tree survey would produce little useful information, the Planning Board shall have the authority to waive the requirements for a heritage tree survey for all or a portion of the tract.

(BC) ~~Tree Removal~~ Permit Required for Heritage Tree Removal

(1) No person, land owner, golf course, or corporation directly or indirectly, shall remove any **heritage tree** from private property without first obtaining a tree removal permit as provided in this chapter. The requirement for tree removal permits shall apply within the entire area covered by the Town's **zoning** authority including the areas known as the mainland, beach, and extra territorial jurisdiction except a lot occupied by a **single-family** home. A tree removal permit is not required for non-heritage trees. See Appendix C for a listing/definition of such trees.

(2) All persons seeking a permit for removal of a **heritage tree** shall make applications to the ~~Building Inspector~~ UDO Administrator.

(3) The ~~Building Inspector~~ UDO Administrator shall issue a tree removal permit if the **applicant** demonstrates one (1) or more of the following situations:

- (a) For **new construction**, the **applicant** is able to show that essential site improvements cannot be installed without removal of the **heritage tree(s)**. Examples of essential site

improvements are the principal/**accessory building(s)**, off-street parking, driveway, storm water management facilities;

(b) The **heritage tree** is dead, severely diseased, injured, or in danger of falling close to existing or proposed **structures**;

(c) The **heritage tree** poses an identifiable threat to individuals or **public safety**; and/or

(d) Removal of the **heritage tree** is necessary to enhance or protect the health or condition of adjacent trees and/or golf course fairway/putting green turf.

(4) Moving **heritage trees** is encouraged if adequate care is taken to ensure survival of the tree.

(5) **Heritage trees** permitted to be removed shall be replaced on a one (1) for one (1) basis with an approved tree. ~~Size and species are to be determined from a standard approved tree list established and published by Town Hall. Replacement trees shall be planted at minimum caliper of 2 inches at 4.5 feet above ground and be of a species identified in the Canopy or Understory Tree list contained in Appendix C of this ordinance.~~

(6) **Golf courses** may remove heritage trees based on the following standards:

(a) Any **golf course** operation may remove up to twenty-five (25) **heritage trees** per year without justification per 18 hole course. A permit will be required for tracking purposes; however, no basis for removal is required for up to twenty five (25) trees annually. A heritage tree survey shall still be required.

(b) All heritage trees removed shall be replaced in accordance with 10.06 (C)(5).

~~(b) For all trees in excess of twenty five (25), golf courses must comply with the Town's standard tree removal policy.~~

~~(c) Any golf course operation may remove any tree not deemed to be a heritage tree within 10 ft. of any clearly identified and functioning cart path without justification or permit. Heritage trees within 10 ft. of a cart path must meet the standards in 10.05(B) above.~~

(~~E~~) Requirements for Heritage Tree Removal Permit Application.

(1) Brief written description of the reason for removal of the heritage tree(s) in accordance with Section 10.06 (C)(3).

(2) A site plan heritage tree survey, prepared by a professional surveyor, professional engineer, landscape architect, golf course superintendent, or licensed arborist, showing the approximate location of all **heritage trees** or groups of trees, property lines, location and **footprint** of any and all existing or proposed buildings and **structures**, and the removal plan must identify the size, species, height, drip line, and health of all **heritage trees** and groups of trees.

(3) A description of the methods proposed to move a **heritage tree**, if applicable.

(4) Photographs of trees, or groups of trees, to be removed.

(5) The location of all heritage replacement trees shall be provided on the heritage tree survey, landscape plan, and/or site plan. Replacement trees shall be clearly identified and must include planting size and species. A planting schedule/list may accompany the plan/survey as necessary.

~~(6)~~ Any other information that may be required by the ~~Building Inspector~~ UDO Administrator to issue the permit.

~~(7)~~ The ~~Building Inspector~~ UDO Administrator may require a report from an arborist, horticulturalist, or other Town-approved professional regarding the health of a tree to be removed.

AND, THAT Appendix C Plant Materials Section C.1 Heritage Tree Determination is hereby amended as follows:

Appendix C. SECTION C.1 HERITAGE TREE DETERMINATION

~~(A) A heritage tree survey shall be required for any multi-family development, nonresidential development, major subdivisions or planned unit development, with applications for site plan, preliminary plat, development plan, or special exception permit. The heritage tree survey shall show the general location, species and size of any tree. However, a heritage tree survey shall not be required for land in the floodway (unless filled or developed in accordance), preserved wetlands and wetlands-buffers, steep slope areas, and stream buffers.~~

~~(B)~~ For purposes of this Ordinance, a heritage tree shall be defined as follows:

~~(A)~~ ~~(1)~~ An American holly with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;

~~(B)~~ ~~(2)~~ A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;

~~(C)~~ ~~(3)~~ A redbud with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;

~~(D)~~ ~~(4)~~ A live oak with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground; and

~~(E)~~ ~~(5)~~ Any tree species included in the planting table (Section C.2) with a trunk caliper measurement of 18" or greater measured at 4.5 feet above ground.

~~(C) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a heritage tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.~~

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~~(D) Having better information about the location of heritage trees is not especially useful where plans call for the preservation of large areas of undisturbed vegetation. An example is the pervious portions of developments in watershed protection districts. Producing such information adds to the project's cost without providing information that could result in project redesign. Where unique site conditions or a proposed development arrangement indicate that the required heritage tree survey would produce little useful information, the Planning Director shall have the authority to waive the requirements for a heritage tree survey for all or a portion of the tract.~~

Adopted this the _____ day of _____, 2017

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk