



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Planning and Zoning Board
From: Alex Cameron, Senior Planner
Kathy Liles, Senior Planner
CC: Darryn Burich, Planning & Inspections Director
Date: January 29, 2021
Subject: **Proposed Text Amendments for Sections:**
9.5 Landscaping Requirements,
9.14 Design Standards for Single Family Dwellings
(6) Tree Conservation and Newly Installed Trees and Plants
10.2 Definitions

Background and Approach:

The Village of Pinehurst is proposing amendments to the Pinehurst Development Ordinance (PDO) to address landscaping and planting requirements for development within the Village's zoning jurisdiction. These amendments would make changes to the landscaping requirements and standards for development as defined and outlined in the attached draft ordinance. Through vast public input and comment at public meetings as well as with the adoption of the 2019 Comprehensive Plan, the desire of the public and direction of the Comprehensive Plan is very specific. Trees represent an important part of the environmental, cultural, and historic fabric and identity of the Village of Pinehurst. The ongoing loss of the Village's mature tree canopy through urbanization, without adequate standards for replacement, has been an ongoing community concern reflected in the adopted 2019 Comprehensive Plan which states:

It is critically important to the character of Pinehurst that the Village maintain its tree-lined corridors and encourage the preservation of trees on both public and private property. Development standards and tree planting/re-planting programs should be evaluated to identify opportunities to further enhance tree preservation efforts in the Village.

The most concise direction of the Comprehensive Plan lies within Implementation Strategy 7.6 which states that the Village should *enhance the tree preservation program and standards for tree planting and preservation in the Pinehurst Development Ordinance*.

Over the course of nearly two years, staff and members of the Planning & Zoning Board have been discussing potential regulatory improvements to the PDO that would enhance the current regulatory standards through increased tree planting in designated areas and fall within the grant of power from enabling legislation. Staff has now developed and is recommending a series of amendments to the PDO that will increase the development standards.

The recently adopted North Carolina General Statute Chapter 160D for planning and development regulation sets forth the local zoning grant of power (160D-702). 160D -702 states that local jurisdictions may adopt zoning regulations with certain exceptions. One of those are “building design elements”. The statute continues to state that “building design elements” do NOT include “*the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors*”.

The draft ordinance language addresses these concerns and covers the grant of power from the enabling legislation by clearly stating the intent of the proposed regulations in the Purpose and Scope as described in Section 9.5.1. Section 9.5 of the PDO also now includes a new Part 1 to provide the scope for landscaping requirements or number of plantings that applies to all properties in the Village’s zoning jurisdiction. The existing language for landscape requirements for non-residential development remains unchanged but has been shifted to Part 2 of Section 9.5. Definitions have been added to Section 9.5 and Chapter 10 for clarity and are consistent with recently adopted North Carolina General Statutes Chapter 160D. Section 9.14.6 has been amended to revise landscape requirements for single-family residential development.

The general approach of the proposed standards is to create buffer areas or yards around the perimeter of development. In order to create the buffer yards, a required number of trees is to be located in each of those yards (front, side and rear) as shown in the table below. In lieu of planting the required number of trees in the respective yards, an applicant may receive credit for existing, healthy trees as defined in the proposed ordinance.

Location	Number of Required Trees
Front Yard*	1 Protected/Specimen Tree Per 15 Linear Feet of Street Frontage
Side Yard	1 Protected/Specimen Tree Per 35 Linear Feet
Rear Yard	1 Protected/Specimen Tree Per 25 Linear Feet

Protected trees are 8 inches and greater. If the property does not contain trees of protected tree size, then trees between 3 inches and 8 inches may be used. As a last resort, trees may be planted to meet the number of required plantings in the respective yards and must meet the requirements in the table below.

Tree type	Minimum Planting Height	Minimum Caliper
Evergreen trees	6 feet	2 inch
Tall trees from Appendix F	8 feet	2 inch
Short trees from Appendix F	6 feet	1.25 inch

One challenge that emerged in proposing new regulations was how to handle existing development that was approved under previous regulations and was proposed for redevelopment or simply a request to remove existing healthy trees on the property. Staff proposes to handle this within the “Existing Lots of Record” section of the proposed ordinance. If an existing lot of record is undergoing redevelopment of less than 50% of the building size, then the new requirements would not apply. If more than 50% of the property is proposed for development, the applicant may follow the standards that were originally approved.

Another issue was how to handle willful violations. The proposed ordinance addresses this by requiring that for every tree that is illegally removed, then 2 inches of caliper for every inch removed will be required to be replanted based on the stump size. If there is no stump, then aerial photography will be used, so that 3 three-inch trees will be planted for every tree removed.

Tree credits have been included to recognize the protection of large trees. Grouping may be used when preserving trees. Each lot will also be given credit for one 20-foot driveway. Staff is given limited flexibility to address minor administrative modifications on the placement of trees when tree credits apply, when small trees need to be used near powerline easements and if there are no existing trees within the required yards to preserve but there are trees in the nearby building footprint that could be.

The proposed draft is provided for further discussion. All proposed changes are included in the draft ordinance with deletions having a ~~striketrough~~ and additions being underlined.

Text Amendment Process and Planning and Zoning Board Action:

The Planning and Zoning Board shall consider each proposed amendment to the development ordinance and shall make a recommendation to Village Council on the proposed amendment. In considering an amendment, the Board shall conduct a legislative public hearing on the application. After conducting the public hearing and reviewing the application, the Board will formulate a recommendation to Village Council and shall also make a statement on whether the proposed amendment is consistent with the Comprehensive Plan.

If there are more questions or concerns that the Board feels are needed to be addressed, the Board can continue the public hearing to a specific date, place and time but a recommendation to Village Council should be made within 30 days of the first scheduled public hearing before the Board.

Comprehensive Plan Consistency:

The 2019 Comprehensive Plan sets seven Guiding Principles which emerged to expand upon the vision of the Village, help achieve community goals and preserve and enhance the high quality of life. The Comprehensive Plan also set ten Strategic Opportunities as well as Implementation Strategies which are actionable recommendations to address the strategic opportunities.

One of the Strategic Opportunities on page 26 is to promote high quality development by updating and modernizing the Pinehurst Development Ordinance to ensure future development is of the desired character favored by Pinehurst residents.

On page 124 under Guiding Principle 3 “Places to Live” for Protect & Enhance Existing Neighborhoods; Improve Neighborhood Appearance, Implementation Strategy 3.1 states the Village should periodically evaluate standards for landscape design and planting and amend standards as necessary to meet the needs and desires of the Village.

On page 203 under Guiding Principle 7 “All things Green: Parks, Open Spaces & Natural Resources” for Protecting Pinehurst’s Natural Resources; Preserve Trees states the *urban forest is an important aesthetic, economic, and environmental asset to Pinehurst. It contributes positively to the character of the Village, the health of the environment, the quality of life of residents, and the experience of visitors.* Implementation Strategy 7.6 further suggests the Village to enhance *the Tree Preservation Program and standards for tree planting and preservation in the Pinehurst Development Ordinance.*

Staff Recommendation:

Staff recommends that the Planning and Zoning Board recommend approval of the proposed amendments and adopt the statement of consistency with the Comprehensive Plan provided.