

Pender County Planning and Community Development

Planning Division

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Nadeau Tree Mitigation Zoning Text Amendment

Case Number: ZTA 2023-18

Application Type: Zoning Text Amendment

Applicant: Michael Nadeau

UDO Sections to be Amended: Section 8.1.3(4)

Description: Michael Nadeau, applicant, is requesting the approval of Zoning Text Amendments to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 8.1.3(4) "Tree Survey Required; Significant Tree Survey." These amendments are requested to decrease the likelihood of requiring the replacement of more trees than can be suitably planted on a site being developed.

Board of County Commissioners/Planning Board Meeting

PB: 9/5/2023, BOCC: 10/16/2023

Included: Application Materials, Application Package, Proposed Amended Text

APPLICATION PACKAGE

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	MICHAEL NADEAU		
Applicant's Address:	P.O. BOX 56		
City, State, & Zip	HAMPSYREAD NC 28443		
Phone Number:	910 620 1237		
Email Address:	MIKE@CREATIVECOMMERCIAL.BIZ		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):		8.1.3(4)	
Proposed Text to be added: _____, up to a maximum of five (5) trees per 100' of _____ buffer. Any existing tree within the site with a caliper of 4" or greater may be substituted for a required new sapling.			
SECTION 3: SIGNATURE			
Applicant's Signature		Date:	
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input type="checkbox"/>	Signed application form		
<input type="checkbox"/>	Application fee		
<input type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation:	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:		Date:	
Application completeness approved by:		Date:	
Dates Scheduled for Public Hearings:	<input type="checkbox"/> Planning Board:	<input type="checkbox"/> BOC:	

NARRATIVE

TEXT AMENDMENT

This proposed text amendment to the tree ordinance is designed specifically to promote the preservation of mature trees within a commercial development.

As currently written, the development code states (8.1.3(4)):

Where any significant tree shown on the significant tree survey is proposed to be removed, such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater.

Two issues arise from this simple rule:

- 1) While a cleared two-acre lot would be required to plant a maximum of three trees per 100' of buffer (around 38) to meet code, a wooded lot could need to add 100 to 150 tree saplings. That is an increase of roughly 300 to 500 percent.
- 2) In turn, the only way for a wooded lot to meet this planting density is to extensively remove the non-regulated trees from the buffer area to accommodate the saplings.

Further, at densities far exceeding the code maximum of three per 100', the prospects of growing into a mature canopy are greatly reduced.

In order to maximize the future tree canopy, the following amendment is proposed (new text in italics):

- 4) Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater, *up to a maximum of five (5) trees per 100' of buffer. Any existing tree within the site with a caliper of 4" or greater may be substituted for a required new sapling.*

It should be noted that pines are considered unregulated as are hardwoods under 8". These are the trees to be preserved by this amendment. Heavily wooded lots should receive special consideration over clear-cut parcels to ensure as much of the canopy is preserved as possible.