



Planning, Development & Inspections

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Wake County Board of Commissioners Proposed Ordinance Amendment OA-01-20 August 17, 2020

Purpose

To amend the Wake County Unified Development Ordinance (UDO) Article 16 – *Landscaping and Tree Protection* to clarify and modify the regulations relative to encroachments into the Tree and Vegetation Protection Zone.

Applicant

Wake County Planning, Development & Inspections

Background

Article 16-12 of the Wake County UDO currently provides standards and requirements to protect existing trees and vegetation around the outer perimeter of development sites. The purpose is to enhance the visual character of the County, control surface water runoff, and increase absorption.

The ordinance requires existing trees and vegetation within a 25' zone be protected around the outer perimeter of the parent tract proposed for development. The zone is 50' along public road rights-of-way. Encroachments into the zone are allowed, which includes public utilities, driveways, entrances and construction access when no other means of access exists on the site. Septic fields are also allowed to encroach into the zone if a qualified soil scientist determines that such location is the only feasible and safe alternative.

Over the past year, the County has received several inquiries from concerned residents about the requirements of the tree and vegetation protection zone, and initiated enforcement actions on developers/builders who have violated the requirements.

For this reason, staff has prepared a draft text change to the UDO that helps clarify and simplify the requirements and standards of the tree and vegetation protection zone.

Overview of Changes

1. Amend UDO Section 16-12 *Tree Protection* to require the Soil Scientist to submit documentation indicating the encroachment into the zone is the only feasible and safe alternative, and identify the limits of disturbance into the zone.
2. Amend UDO Section 16-12 *Tree Protection* that specifies trees and vegetation removed from the zone without authorization from the County must be replaced with a standard buffer planting as described in the proposed amendment.
3. Amend UDO Section 21-11 Definitions by removing the reference and definition of *Protected Tree*.

Staff Findings

The proposed amendments:

1. Provides a record, from the design professional, that encroachment of the on-site septic system into the Tree and Vegetation Protection Zone is the only safe and feasible alternative.
2. Requires the soil scientist to identify the septic system's limits of disturbance into the Tree and Vegetation Protection Zone
3. Simplifies remediation for unauthorized removal of trees and vegetation.
4. Provides clarity in enforcement of the Tree and Vegetation Protection Zone