

Summary of Developing Tree Protection Ordinances in North Carolina

Why NC Communities Need a Tree Protection Ordinance

Trees have long been a significant part of the character of North Carolina communities, within and surrounding them. But as North Carolina continues to experience rapid population growth there is increasing development pressure on its communities, and the trees within and surrounding them.

Forested areas and working lands are being converted to housing and grey infrastructure needed to support the homes and the people. Under all this activity a municipality with beautiful and well-maintained trees will not happen, or continue, without support. Trees provide a great number of community benefits that include:

- Enhancing property values and aesthetics,
- Inexpensively treating and managing stormwater and air quality, and
- Providing wildlife habitat and energy savings.



A tree lined street in Pittsboro, NC

Types of Tree ordinances

Tree ordinances are a regulatory tool that communities use to protect tree resources, setting standards for the management of trees, as well as for the planning for trees.

Street Tree and/or Landscape Ordinances typically cover the planting, pruning, and removal of trees within public rights-of-way. They can also contain provisions governing the maintenance or removal of private trees, which pose a hazard to the public.

Tree Protection Ordinances addresses individual and stands of trees on private and public property, and are essential to address tree removal and protection during the development process. Such ordinances generally require that a permit be obtained before the “protected” trees can be removed, encroached upon, or in some cases, pruned. These ordinances may also be called Tree Conservation Ordinances.

Also, a Tree Protection Ordinance allows a community to define its own priorities for mixing population growth with sustaining viable forested areas. A codified set of guidelines, rules and regulations in an ordinance is a key to successfully maintaining tree cover along streets, in parks, parking lots, subdivisions, and other areas in a municipality.

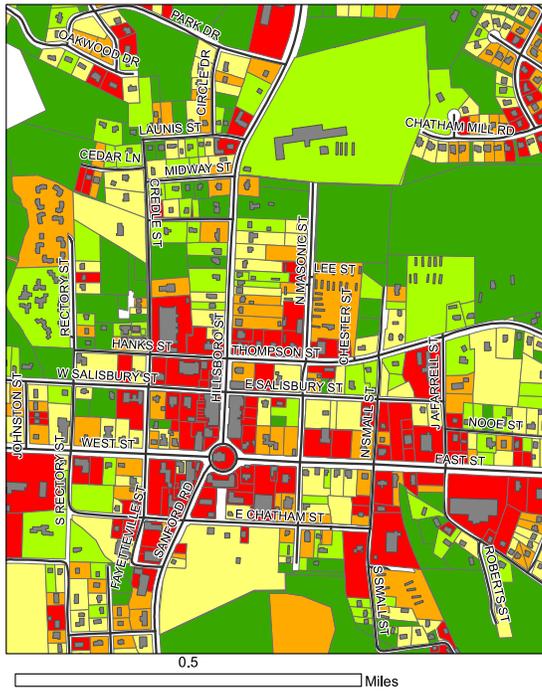
Developing a Tree Protection Ordinance in Pittsboro, NC

The model ordinance language presented to the Town of Pittsboro addressed the conservation and protection of trees on public and private land from the direct and cumulative impacts of development and redevelopment. The language was modified from *Developing Tree Protection Ordinances in North Carolina: A Guide to Local Ordinance Creation*, developed by the Nicholas Institute for Environmental Policy Solutions at Duke University. The Guide was developed with specific references to North Carolina statutes, to assist municipalities by guiding them through ordinance development. The Guide presents the types of clauses necessary for a successful and functioning ordinance to achieve **tree canopy** protection. This allows local governments to evaluate the language and approaches for protecting tree canopy, in order to decide what best suites their community’s needs.

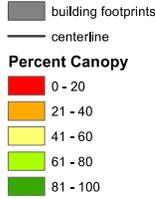
The use of a minimum canopy coverage requires that a municipality knows what it existing canopy coverage is, in order to set realistic and achievable goals.

Trees in Pittsboro & Its ETJ

In 2013 the 1,195 acres within the Pittsboro Town Limits had 53% canopy coverage while the surrounding 12,525 acres within Pittsboro’s extra territorial jurisdiction (ETJ) had 78% canopy coverage (excluding the town limits). These numbers relate to the population size and degree of developed property in this traditionally rural community and county.



Downtown Pittsboro
Percent Canopy Coverage



	Acres	Percent Canopy
Town Limits	2,255	53%
Historic Dist A	138	38%
Historic Dist B	94	29%
Downtown	48	14%

1. Using the GIS canopy coverage by parcel layer, provided by Global Ecosystem Center, canopy coverage for a downtown area was calculated. The canopy coverage of this 48 acres downtown area, based on Pittsboro's Downtown Vision Map (obtained from <http://pittsboronc.gov/>), is 14%. This is not untypical for municipalities of any size, where development, redevelopment, service improvement and expansion, commercial expansions are necessary to maintain services to residents.

The Conservation Ordinance Review Committee recommended the following [minimum tree canopy cover](#) percentages for the Town of Pittsboro:

ZONE	%	By Lot Size	
		Single & 2-family	%
Downtown	15	<10,000 ft ² (.2 ac)	20
Multi-family/Commercial	30	10K - 20,000 ft ²	30
Institutional/ Mixed Use/ Other (industrial & business parks)	40	20K - 40,000 ft ²	40
		40K - 80,000 ft ²	50
		>80,000 ft ²	60

Note, in NC, tree preservation ordinances cannot interfere with the legitimate practice of forestry. However, some municipalities have established standards, in order to confirm that tree cutting on a property is for the harvest and re-planting of trees, as is appropriate for working lands. For instance the CORC recommended following language be include:

Clear-cutting of a site to circumvent the requirements of the Tree Protection should be prohibited. If the forestry exemption is used to remove all or substantially all of the trees that would have been protected by ordinance prior to application for development approval no such application shall be accepted for development of the land for a period of three years after completion of the forestry activity, or for a period of five years after completion of the forestry activity if the tree removal constituted a willful violation of this section, as determined by the Town Manager.

Benefits of a Tree Protection Ordinance

A Tree Protection Ordinance allows a community to define its own priorities for mixing population growth with sustaining viable forested areas. This kind of ordinance:

- Sanctions a town to monitor removal and protection of trees of value to the community.
- Can create an income stream to help finance tree planting, tree maintenance and staff.
- Helps educate residents and developers about trees and the practices that affect them.

Community Involvement When Developing Ordinances

There are benefits to including local stakeholders when developing a tree-related ordinance. While this can add time to the process, it can develop buy-in from the community, and identify the needs of the community as well as its priorities or goals. Ordinances cannot fully predict every possible issue that will arise in the future but having a structure in place and a way to assess its success is the first step to define the terms of development in your community.



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