

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**ZOTA 2019-1: AMENDMENT TO ARTICLE 18 AND ARTICLE 26, AND THE PLANTING
MANUAL TO REFLECT CREDIT GIVEN FOR COLUMNAR TREE VARIETIES**

REQUESTED BY: LFUCG Tree Board

PROPOSED TEXT: See attached

STAFF REVIEW:

A request to amend the LFUCG Zoning Ordinance and Planting Manual was made by the Lexington Tree Board and was initiated by the Urban County Planning Commission on September 27, 2018. In the Tree Board's request for initiation of a text amendment, the Board expressed a desire to update Article 26-5(e) of the Zoning Ordinance and related text in the Planting Manual to designate all columnar tree varieties as small trees and reduce the canopy credit to 100 square feet.

In an effort to maintain consistency across the Zoning Ordinance, amendments to portions of Article 18 and Article 26 are also proposed to address an inconsistency related to fence and wall heights, which are more specifically related in Article 15-4(b), to update the definition of greenway to reference the adopted Greenway Master Plan, and to update all references to oversight of the tree canopy requirements in the Planting Manual to refer to the Division of Environmental Services.

The purpose of the proposed amendment to the Zoning Ordinance is to address the small canopy coverage of the columnar tree varieties (improved cultivars), due to the increased frequency that such tree varieties are being proposed in various urban environments with the Urban County. Columnar tree varieties typically grow as tall as the common species; however, the canopy associated with the columnar varieties only reach a few feet in diameter. Currently, columnar tree varieties count toward the same canopy credit as the common species, which are designated as either medium (400 square feet) or large (750 square feet) canopy trees, despite the reduced canopy coverage. For example the sweetgum tree typically has a mature canopy spread of 40 feet or more, but the canopy of the columnar variety, which has a "slender silhouette" only reaches 4 feet in diameter.

The Lexington Tree Board noted the recent proliferation of the use of columnar variety trees in new commercial developments. When columnar trees are planted, the canopy coverage credit is far greater than the actual canopy coverage provided by columnar trees on the site, even once they reach maturity. The Tree Board is seeking to explicitly state that columnar varieties shall receive 100 square feet of credit to rectify the disparity between the planned and the actual tree canopy for commercial developments.

The amendments to the Zoning Ordinance and the Planting Manual are justified on two separate levels: the minimizing of the effects of urban development within the community, and the application of sustainable practices. The purpose of Article 26 of the LFUCG Zoning Ordinance states that:

"The Urban County Government recognizes the importance of trees as a vital component in counterbalancing the effects of an urban setting by providing cooling shade; by reducing noise and glare; by significant contribution to urban aesthetics; by improving air quality through carbon dioxide reduction and replenishing oxygen to the atmosphere; by improving surface drainage and reducing the effects of storm drainage flooding; by filtering non-point source pollution from area streams; by stabilizing soil, thereby minimizing erosion; and providing habitat for wildlife. The purpose of this

Article is to establish standards and procedures for county-wide tree protection and planting in new developments and redevelopments subject to review by the Planning Commission.”

As such, in an effort to “counterbalance the effects of the urban setting,” it is imperative to update the Zoning Ordinance and the Planting Manual when there are clear deficiencies in the categorization of canopy coverage for certain tree varieties. When a species of trees is not satisfying the need for the providing cooling shade; by reducing noise and glare; by significant contribution to urban aesthetics; by improving air quality through carbon dioxide reduction and replenishing oxygen to the atmosphere due to a low canopy coverage credit, the tree variety must be re-categorized to appropriately fit its capabilities.

Additionally, Theme B: Protecting the Environment, Goal #3 of *Imagine Lexington*, the 2018 Comprehensive Plan, seeks to apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources. While the planting of columnar variety trees is not an inherently negative activity, utilizing the community’s urbanized land for trees that will provide the greatest canopy and have the greatest likelihood of long term viability is a far more environmentally sustainable practice. With the proposed amendment, an applicant would still be welcome to utilize the columnar tree variety to satisfy their tree canopy coverage requirements if approved by the Division of Environmental Services; however, they would need to plant more trees to reach the required canopy threshold.

Lastly, Lexington completed an *Urban Forestry Management Plan* in 2017, which is referenced in *Imagine Lexington*, Theme B: Protecting the Environment, Restoration Policy #1 (pages 95-97). The *Urban Forestry Management Plan* establishes a mission for the city to achieve a sustainable urban forest. Further, the Management Plan identifies the benefits of the urban forest, provides data about the historical and existing tree canopy coverage for the city, and establishes goals for the urban forest. Goal #4: Provide Appropriate Regulatory Protection, has two sub-goals that relate to the proposed update to the tree canopy regulations. They are to ensure tree-related ordinances and land subdivision regulations support the growth of a sustainable urban forest (Goal #4.2), and to ensure ordinances and regulations are consistent with each other, and other applicable LFUCG planning documents and manuals (Goal #4.3). The proposed text amendments support the overall policy of protecting and enhancing the urban forest, as well as support Goal #4.2 and Goal #4.3 listed above.

The Staff Recommends: **Approval**, for the following reasons:

1. The proposed text amendments will satisfy the intent of Article 26 by properly counterbalancing the effects of the urban setting by applying the appropriate tree canopy coverage for the columnar tree varieties. The amendments will establish the maximum canopy credit of 100 square feet for any columnar variety tree, regardless of overall height.
2. The proposed text amendments support *Imagine Lexington*, the 2018 Comprehensive Plan because the modification of the tree canopy coverage for columnar tree varieties seeks to apply environmentally sustainable practices to protect, conserve and restore landscapes and natural resources (Theme B, Goal #3).
3. The proposed text amendments will implement the *Urban Forestry Management Plan*, as referenced by Theme B: Protecting the Environment, Restoration Policy #1, which calls for the protection and recovery of Lexington’s urban forest by strategically planting new trees and creating walkable streetscapes. The amendment also supports the specific goals of ensuring tree-related ordinances and land subdivision regulations support the growth of a sustainable urban forest (Goal #4.2), and ensuring ordinances and regulations are consistent with each other, and other applicable LFUCG planning documents and manuals (Goal #4.3).