

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2019-1: AMENDMENT TO ARTICLE 18 AND ARTICLE 26, AND THE PLANTING MANUAL TO REFLECT CREDIT GIVEN FOR COLUMNAR VARIETY TREES** – a petition for a Zoning Ordinance text amendment to update Articles 18 and 26 of the LFUCG Zoning Ordinance and Planting Manual to designate all columnar tree varieties as small trees and reduce the canopy credit to 100 square feet. Additionally, all references to oversight of tree canopy requirements in the Planting Manual will be updated from the Division of Building Inspection to the Division of Environmental Services.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval.

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).

Staff Text Amendment Presentation – Mr. Baillie presented and summarized the staff report and recommendations for this text amendment, and said that the request was made by the Lexington Tree Board and was initiated by the Urban County Planning Commission on September 27, 2018. He said that in the Tree Board's initial request, they 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 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). He displayed pictures of many different trees and stated that the columnar tree does not extend its canopy in any significant way out. This change in the Ordinance is requested 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 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 contribution to urban aesthetics; by improving air quality through carbon dioxide reduction and replenishing oxygen to the atmosphere; by improving surface drainage and

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

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.

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 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.

The *Urban Forestry Management Plan*, which was completed in 2017, establishes a mission for the city to achieve a sustainable urban forest. Staff believes that by reducing the canopy size of the columnar trees is an effort to bring other large trees that actually fit the planned environment. He said that the staff and the Zoning Committee are recommend approval of this text amendment

Zoning Action – A motion was made by Mr. Pohl, seconded by Mr. Penn, and carried 8-0 (Brewer, Mundy, and Plumlee absent) to approve ZOTA 2019-1: AMENDMENT TO ARTICLE 18 AND ARTICLE 26, AND THE PLANTING MANUAL TO REFLECT CREDIT GIVEN FOR COLUMNAR VARIETY TREES, for the reasons provided by the staff.