

City of Fayetteville Staff Review Form

2022-0513

Legistar File ID

6/21/2022

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

John Scott

6/3/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM-2022-0025: Administrative Item (Amend UDC Chapter 177 Landscape Regulations) Submitted by CITY STAFF. The proposed code change would require street trees for lots with multiple frontages.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u> No </u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u> No </u>	Item Cost \$ -
Budget Adjustment Attached? <u> No </u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF JUNE 21, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Alison Jumper, Parks & Recreation Director
Jonathan Curth, Development Services Director
Jessie Masters, Development Review Manager

FROM: John Scott, Urban Forester
Melissa Evans, Urban Forester

DATE: June 3, 2022

SUBJECT: **ADM-2022-0025: Administrative Item (Amend UDC Chapter 177 Landscape Regulations)** Submitted by CITY STAFF. The proposed code change would require street trees for lots with multiple frontages.

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of an amendment for Unified Development Code §177, Landscape Regulations, as described in Exhibit 'A.'

BACKGROUND:

The City of Fayetteville's Unified Development Code (UDC) includes landscape regulations for new development. These standards are intended to complement a project and offset potential environmental, aesthetic, and property value impacts. Landscape requirements address a myriad of conditions, including but not limited to parking lots, stormwater facilities, invasive species, and erosion control. Urban Forestry has identified an oversight in evaluating the ordinance's intent versus its outcomes. Specifically, corner lots and other lots with multiple street frontages were not given specific consideration for street tree planting. The result is that the code only requires one street tree per lot, regardless of the number of streets the property abuts. The result is that side streets are not being planted with street trees in new neighborhoods. We propose correcting this oversight and increasing consistency.

Currently, §177.05 (B)(1)(a) of the Landscape Regulations states, "A minimum of one (1) 2-inch caliper, large species tree per lot shall be planted." In practice, corner lots are only required to plant one tree. There are numerous examples of recent residential developments where some streets do not have street trees and others are lined with trees. This oversight inadvertently creates gaps in the City's street tree coverage, especially on corner lots (see attached).

Urban Forestry staff has a simple code solution to address this oversight. The proposed code changes are shown in ~~strikeout~~ and **highlight**:

177.05 (B) Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.

(1) Residential Subdivisions. Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.

~~(a) A minimum of one (1) 2-inch caliper, large species tree per lot shall be planted.~~

(a) Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

DISCUSSION:

The proposed code changes benefit new neighborhoods and create a balanced, tree-lined street to make a better streetscape. This proposal is for new projects and will not require any retroactivity. This amendment will ensure that street trees are planted along *all* streets at regularly spaced intervals. This change is in line with many of the objectives outlined in the landscape code, including the following:

- Creating a healthful environment for Fayetteville residents
- Moderating the harmful effects of the sun and temperature changes
- Filtering pollutants from the air, reducing stormwater runoff
- Providing habitat for wildlife
- Promote energy conservation
- Protect and enhance property values

Urban Forestry staff contends that this amendment brings the landscape code in line with its original intent and will not place an undue burden on developers.

Urban Forestry emailed the proposed changes to several (11) development field professionals who regularly participate in the entitlement process. The only response staff received was: "All, I think this is an appropriate request and does indeed meet the spirit and intent of Fayetteville's goals and vision. I know developers will likely have an issue, but I think it's best in terms of long-term goals."

The Urban Forestry Advisory Board has reviewed the code change and is in support of the proposed code changes.

At the March 23, 2022, Planning Commission meeting, a vote of 7-0-0 forwarded the request to the City Council with a recommendation of approval. Commissioner Garlock made the motion, and Commission Canada provided the second.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Proposed Ordinance Amendment in Strikethrough/Highlight
- Example- 1a & 1b
- Planning Commission Staff Report

ADM-2022-0025
Exhibit 'A'

177.05 Street Tree Planting Standards

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- (B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*
 - (1) *Residential Subdivisions.* Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.
 - (a) Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

ADM-2022-0025
Strikethrough-Highlight

177.05 Street Tree Planting Standards

- (A) *Applicability.* All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance.
- (1) All street tree planting plans shall follow the submittal criteria set forth in Ch. 177.03 Landscape Plan Requirements.
 - (2) *Street Tree Planting Requirements.*
 - (a) Street trees are intended to be planted in a greenspace strip between the curb and sidewalk or in urban tree wells in accordance with the Master Street Plan. The intent of the street tree planting location is to shade the sidewalk, provide a barrier between vehicles on the street and pedestrians, increase motorized traffic and pedestrian safety, and spatially frame the street. Existing trees within the build-to-zone shall be counted towards the required number of street trees. When there is not adequate greenspace between the curb and sidewalk and urban tree wells are not appropriate, or there are utilities or other structural conflicts in the greenspace strip between the curb and sidewalk, the Urban Forester may permit street trees in greenspace behind the sidewalk and on private property.
 - (b) Plans shall indicate the spacing of trees along all newly created public and private streets within the development site. At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
 - (i) Where the finish grade slope in the planting area between the top back of the street curb and the property line is in excess of 30%.
 - (ii) Where bedrock is encountered within 30 inches of finish grade in the planting area between the top back of the curb and the property line.
 - (iii) Where existing healthy trees that are shown to be preserved within the right-of-way are in such close proximity they would prevent a new tree from establishing a full canopy when mature.
 - (c) Plans shall identify the species of trees to be planted, which must be selected from the Landscape Manual or otherwise approved by the Urban Forester. Street trees shall be large species canopy trees.
 - (d) Plans shall identify the size and quality of trees which must meet or exceed the standards adopted in the Landscape Manual.
 - (e) Indicate the location of all points of access (driveways, sidewalks and public & private utilities) within the proposed development. The developer shall ensure

that driveways, sidewalks, utilities, etc. will not endanger the livelihood of the proposed trees, and shall plan accordingly.

- (f) A maintenance agreement and landscape establishment guarantee shall be established. All plans shall include a binding three (3) year maintenance and monitoring plan, which shall hold the developer responsible for the health of all planted trees.
 - (g) Approval of a maintenance agreement and landscape establishment guarantee shall be contingent upon the developer depositing with the City of Fayetteville a surety or contract, as outlined in 177.10.
 - (h) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City of Fayetteville shall release the currency, bond or letter of credit.
 - (i) In the absence of such a finding, the developer shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the developer does not take remedial steps to bring the property into compliance, the City of Fayetteville shall use the necessary monies from the landscape establishment guarantee to do so.
 - (j) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail or lightning strikes, or through the independent actions of their parties, the developer shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (k) Contain such other information as may be required to reflect how the plan addresses the remaining policies within the Landscape Manual.
- (3) Street tree plantings that are above and beyond the requirements as established herein may count as on-site tree mitigation, with approval of the Urban Forester.
- (4) *Timing of Planting.* The Urban Forester shall recommend to the Planning Commission the option that will potentially result in accomplishing the most objectives of this chapter.
- (a) *Street Tree Planting with Infrastructure (Subdivisions Only).* The developer may choose to provide a landscape plan that conforms to the regulations herein, with all landscaping along streets to be installed prior to final plat approval and acceptance of public improvements associated with the development. If planted prior to final plat approval, the developer shall provide proper measures to ensure the longevity of health of all planted trees during development of individual lots; or
 - (b) *Street Tree Planting with Development (Subdivisions Only).* The developer may choose to provide a landscape plan that conforms to the regulations herein only to the extent that future development on lots created by the subdivision shall be responsible for individual landscape plans as each lot develops.
 - (c) *Street Tree Planting with Concurrent Development.* Where development approval is requested (large scale, building permit, parking lot permit, etc.), the developer

shall provide a detailed landscape plan that conforms to the regulation established by this chapter.

- (d) Street tree planting plans shall be submitted with the plans submitted for development or subdivision approval by the Planning Commission, in accordance with the options listed herein.
- (e) A written description of the method(s) and time frame the project will utilize to track development of each individual lot shall be submitted by the developer to ensure the required street trees are planted and their longevity of health assured.

(B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*

(1) *Residential Subdivisions.* Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.

~~(a) A minimum of one (1) 2-inch caliper, large species tree per lot shall be planted.~~

(a) Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

(2) *Non-Residential Subdivisions.* Submittals for all proposed non-residential subdivisions shall include a street tree planting plan at the time of final plat submittal, or in accordance with the option approved for Timing of Planting as required by this chapter.

(a) A minimum of one (1) 2-inch caliper, large species tree per 30 linear feet of frontage shall be planted.

(b) Street trees shall be planted within the required landscape area. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

(3) *Optional Street Tree Planting Plan for Urban Streetscapes.* The street planting plans for development in urban zoning districts may utilize an urban streetscape at least 8 feet wide from curb to building. At the time of developmental submittal, the proposed urban streetscape shall include a street tree planting plan in compliance with the following requirements:

(a) A minimum of one (1) 2-inch caliper, large species tree per 30 linear feet of street frontage or every ten (10) parking spaces, whichever provides the most trees, shall be planted with this option.

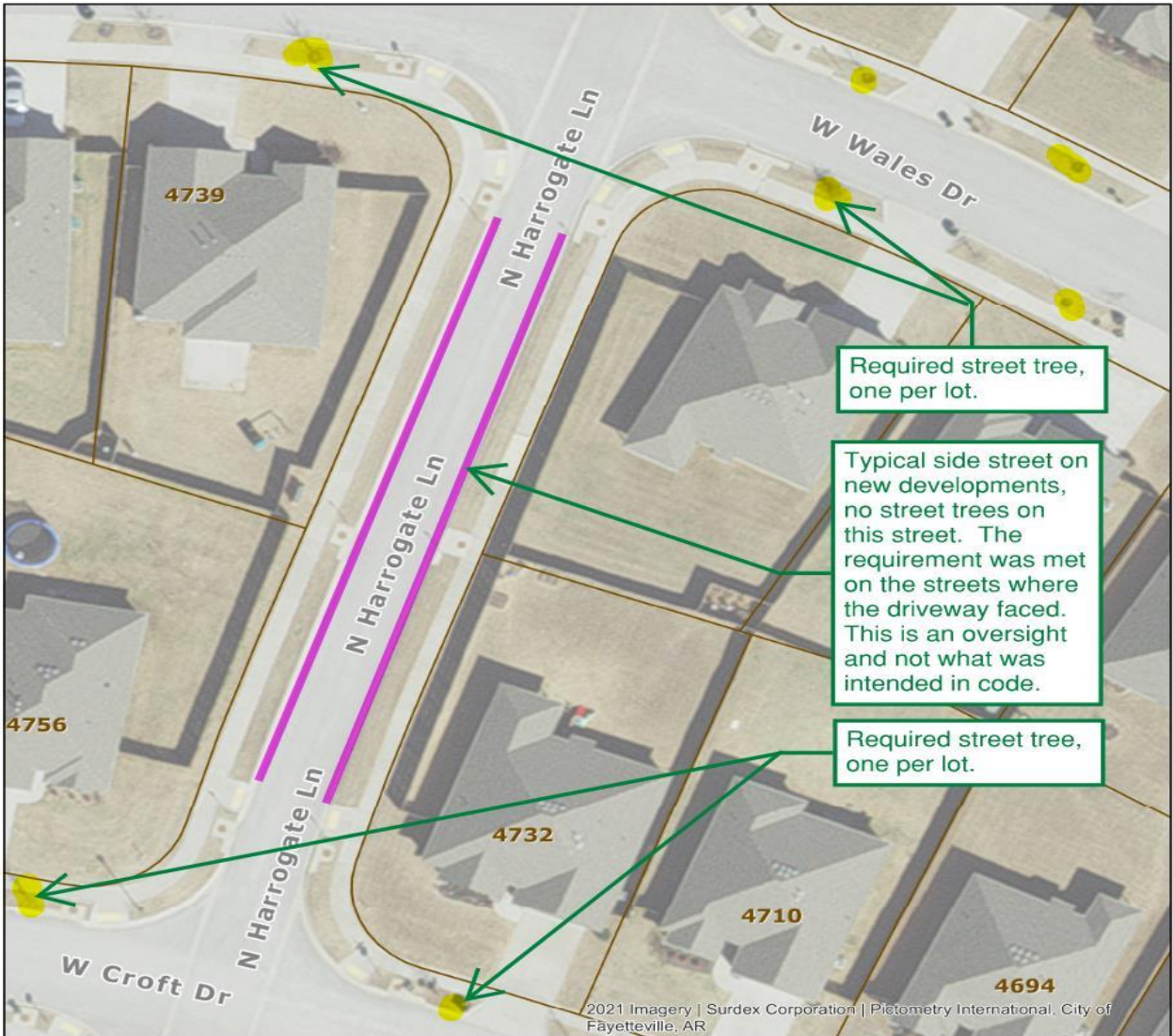
(b) Location of trees shall be approved by the Urban Forester to ensure that adequate spacing, access and visibility are maintained. The spacing of trees may be varied with approval of the Urban Forester.

(c) Trees shall be planted within urban tree wells. The minimum width of an urban tree well shall be 3 feet; the minimum area shall be 15 square feet. This option is

only permitted to allow trees planted within wide sidewalks, in a downtown/urban fashion. Size and shape of urban tree well shall be approved by the Urban Forester.

- (d) Tree wells shall be covered with either a tree grate or some form of permeable pavers, (block or stone), to be approved by the Urban Forester.
- (e) Structural soil or similar treatment shall be utilized with this option (see Landscape Manual for specifications)
- (f) Street tree planting plans utilizing this option shall follow the construction procedures and details as outlined in the Landscape Manual.
- (g) Development applications approved for the use of urban tree wells shall not be required to provide additional perimeter landscaped area between the Master Street Plan right-of-way and building, as described further under the perimeter landscaping requirements.

Example 1: Sloanbrooke. Several side streets do not have street trees because the houses are not facing the street, and only one tree per lot is required. In this example, 1,712 feet of streets do not have street trees. The proposed code changes would have required an additional 16 street trees.



Example 1a. Sloanbrooke on the west side of Fayetteville



The areas marked were not required to plant trees. With the proposed change this would increase the required trees by 16 trees.

Area shown at a closer scale.

Example 1b. Sloanbrooke on the west side of Fayetteville



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager
Ted Jack, Parks Planning Superintendent

FROM: John Scott, Urban Forester
Melissa Evans, Urban Forester

MEETING: May 23, 2022 **Updated with PC hearing results from May 23, 2022**

SUBJECT: **ADM-2022-0025: Administrative Item (AMENDMENT TO LANDSCAPE REGULATIONS).** Submitted by CITY STAFF. The request is to amend §177.05 (B) (1)(a): Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

RECOMMENDATION:

Staff recommends forwarding **ADM-2022-0025** to City Council with a recommendation of approval.

RECOMMENDED MOTION: "I move to forward **ADM-2022-0025** to City Council with a recommendation of approval."

BACKGROUND: Urban Forestry has identified an oversight in City code and would like to amend Chapter 177 Landscape Regulations to correct the oversight. There are side streets that are not being planted with street trees in new neighborhoods. Corner lots were not considered for street tree planting and code only requires one street tree per lot. We are proposing to correct this oversight, stream line the code, and increase consistency.

Urban Forestry Code Section 177.05(B)(1)(a) states, "A minimum of one (1) 2-inch caliper, large species tree per lot shall be planted." In practice, this means that corner lots are only required to plant one tree, or large lots are only required to plant one tree. There are numerous examples of recent residential developments where some streets do not have street trees and others are lined with trees. This oversight inadvertently creates gaps in the City's street tree coverage, especially on corner lots.

Urban Forestry staff suggests a simple code solution to address this oversight. The proposed code changes are shown in strikeout and highlight:

177.05 (B) Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.

- (1) Residential Subdivisions. Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.
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(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

The proposed code changes are beneficial to new neighborhoods and create a balanced, tree-lined street that will make a better neighborhood. This proposal is for new projects and will not require any retroactivity. This amendment will ensure that street trees are planted along *all* streets at regularly spaced intervals. This change is in line with many of the objectives outlined in the landscape code, including the following:

- creating a healthful environment for Fayetteville residents
- moderating the harmful effects of the sun and temperature changes
- filtering pollutants from the air, reducing stormwater runoff
- providing habitat for wildlife
- promote energy conservation
- protect and enhance property values

Urban Forestry staff believes that this amendment brings the landscape code in line with what was its original intent and will not place an undue burden on developers.

Urban Forestry emailed the proposed changes to several (11) professionals in the development field that regularly participate in the entitlement process. The only response staff received was: "All, I think this is an appropriate request and does indeed meet the spirit and intent of Fayetteville's goals and vision. I know developers will likely have an issue, but I think it's best in terms of long-term goals."

The Urban Forestry Advisory Board has reviewed the code change and is in support of the proposed code changes.

RECOMMENDATION: Staff recommends forwarding **ADM-2022-0025** to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>May 23, 2022</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Motion: Garlock		<input checked="" type="checkbox"/> FORWARD	
Second: Canada		with a recommendation	
Vote: 7-0-0		of approval	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §177.05 Street Tree Planting Standards with proposed change
 - Examples from Sloanbrooke Subdivision
-

177.05 Street Tree Planting Standards

... ..

(B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*

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(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

... ..

(Ord. No. 4917, 9-05-06; Ord. No. 5003, 4-17-07; Ord. No. 5057, 9-04-07; Ord. No. 5513, 7-17-12; Ord. No. 5818, 10-20-15; Ord. No. 5859 , §4, 5, 3-15-16)

Example 1: Sloanbrooke. Several side streets do not have street trees because the houses are not facing the street, and only one tree per lot is required. In this example, 1,712 feet of

streets do not have street trees. The proposed code changes would have required an additional 16 street trees.

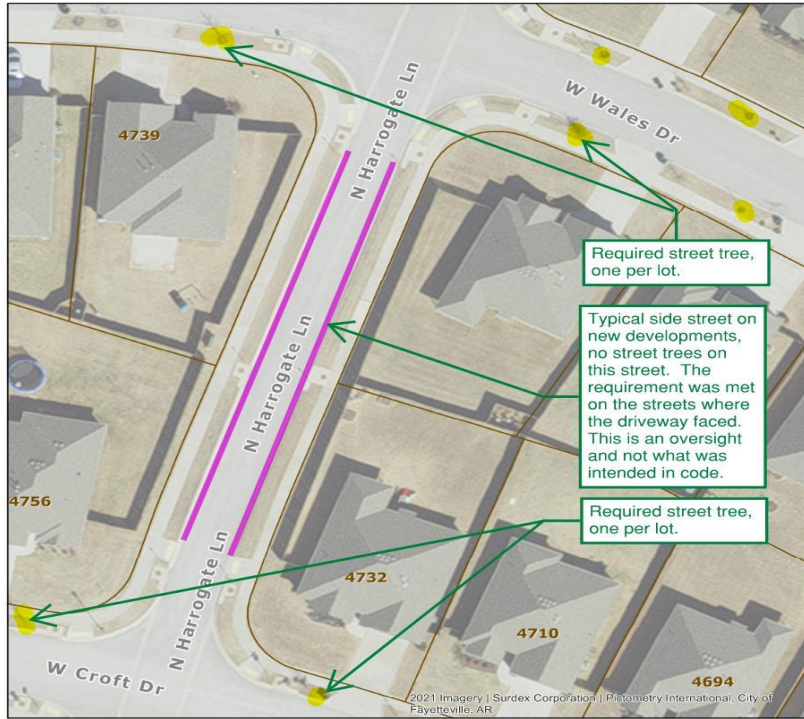


Exhibit 1a. Sloanbrooke on the west side of Fayetteville

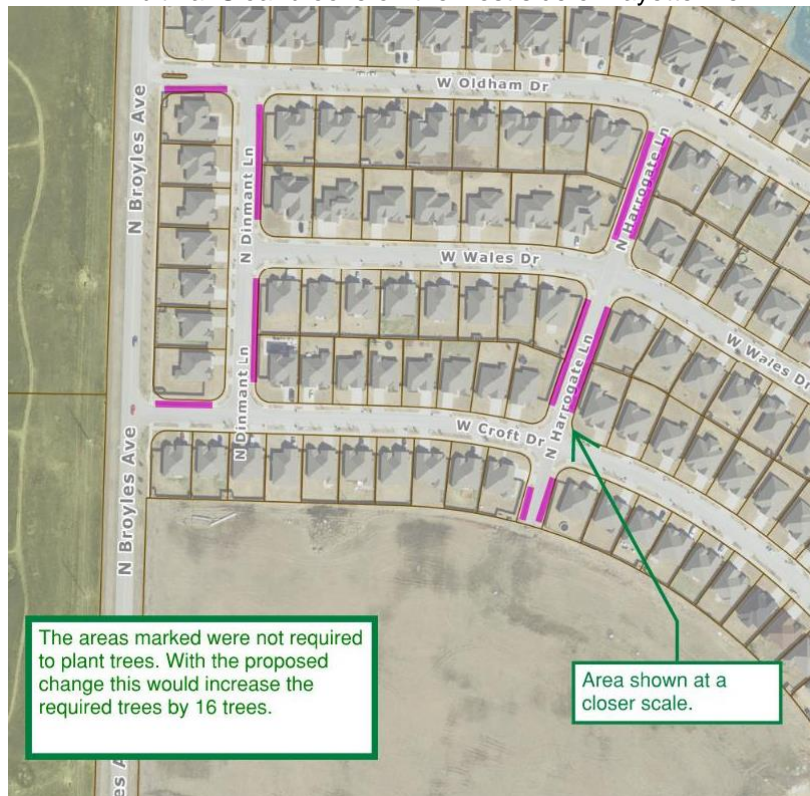


Exhibit 1b. Sloanbrooke on the west side of Fayetteville