

REQUEST	Text amendment to Chapter 21, "Tree Ordinance", of the City Code, Section 21-95
SUMMARY OF PETITION	The petition proposes to remove the tree save incentive allowing internal side yards of single-family residential lots to be reduced to a minimum of three feet.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a 4 to 2 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	The Zoning Committee voted 4 to 2 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Allen/Phipps Yeas: Allen, Fallon, Johnson, and Phipps Nays: Zoutewelle and Griffith Absent: None Recused: None
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ZONING COMMITTEE DISCUSSION	Staff presented a brief overview of the text amendment. A Commissioner noted a concern about removal of the three-foot side yard incentive provided through the surface water improvement and management stream buffer. Staff will look at lessening lot widths if they wanted to change to another district. Would this be something to insert into the Tree Ordinance? Staff indicated that the amendment would be through the <i>Zoning Ordinance</i> .
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MINORITY OPINION	Concern was expressed about the removal of the removal of the three-foot side yard incentive provided through the <i>Tree Ordinance</i> . There is no additional language that says consideration will be given to lot width or side yards in future rezonings.
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STAFF OPINION	Staff agrees with the recommendation of the majority of the Zoning Committee.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - This text amendment to Chapter 21 of the Tree Ordinance is one of the recommendations made during Phase I of the Residential Design Standards process.
 - The Citizen Advisory Group held numerous meetings over the past four years. The final stakeholder meeting was held on June 15, 2011.
 - Section 21-95 of the Tree Ordinance requires a tree save area for single-family development. The tree save area varies based on the existing tree canopy of the site.
 - Subsection (f) includes an incentive to provide tree save by allowing the reduction of the front setback, the rear yard, and internal side yards. Currently, internal side yards can be reduced to a minimum of three feet, provided all fire code requirements are satisfied, but this is recommended for change in this text amendment for fire safety, maintenance and privacy issues.

- **Proposed Request Details**

The text amendment contains the following provisions:

- Removes the tree save incentive allowing internal side yards of single-family residential lots to be reduced to a minimum of three feet.
 - The effective date for this amendment is January 1, 2012.
- **Public Plans and Policies**
 - The *General Development Policies (GDP)* for residential location and design encourages development to be designed to enhance the overall community.
 - The petition is consistent with adopted policy.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Charlotte Department of Transportation:** No comments received.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Text amendment
- Pre-Hearing Staff Analysis

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