

REQUEST	Text amendment to Sections 21-2, 21-95 and 21-96 of the Charlotte Tree Ordinance
SUMMARY OF PETITION	The petition proposes to revise the Tree Ordinance to: <ol style="list-style-type: none"> 1) Clarify definition of single family development. 2) Limit the applicability of the tree save incentives to single family development sites that are subject to the subdivision ordinance. 3) Require a perimeter tree save buffer for developments with greater than 25 percent tree save.
PETITIONER	Engineering and Property Management and Charlotte-Mecklenburg Planning Department
AGENT/REPRESENTATIVE	Engineering and Property Management and Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION	<p>Staff recommends approval of this text amendment.</p> <p><u>Plan Consistency</u> The petition/text amendment is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to maintain a healthy and flourishing tree canopy.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Clarifies the tree save provisions by defining “single family development”. • Exempts the incentives from being used for individual single-family lots that are not subject to the subdivision ordinance. Tree save incentives being applied to single lots are increasing the density in existing residential neighborhoods by allowing reduced lot sizes and only resulting in negligible tree save opportunities, that are difficult to monitor and preserve. • Adds perimeter protection for single family developments providing greater than 25 percent tree save area to minimize visual impacts on adjacent single family properties. • Proposed changes are not expected to impact the City’s overall tree canopy goal because to date the total acreage of tree save areas saved by projects not subject to the subdivision ordinance is minimal.
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PLANNING STAFF REVIEW

- **Background**
 - The Tree Ordinance was adopted in 1978, with revisions made in 1988, 2000, 2002, and 2011.
 - In 2002, an incentive to provide a residential density bonus was added for single family developments that provided tree save. The Tree Ordinance requires all new single family development sites to provide a minimum of ten percent tree save area. If the tree save is placed in common open space, the following incentives apply:
 - If more than ten percent tree save in common open space is provided, the zoning district’s cluster provisions may be used to reduce the lot size, width, and internal yards.
 - If more than 25 percent tree save in common open space is provided, the next lower zoning district’s cluster provisions may be used to reduce the lot size, width, and internal yards. For example, if a property is zoned R-3 (single family residential) and more than 25 percent tree save in common open space is provided, the property may be developed under R-4 (single family residential) cluster zoning regulations to reduce the lot size, width, and internal yards.
 - Single family development sites may be granted a density bonus provided the entire tree save area is dedicated to common open space. The density bonus is calculated by multiplying the entire area dedicated to tree save in common open space by the maximum residential density number for the underlying zoning district.
 - Within the last year, concerns have been raised by both neighborhood representatives and staff

regarding the use of the tree save incentives. Concerns expressed by neighborhood representatives have been mainly about changes to the character and fabric of single family neighborhoods. Staff is concerned about the management and preservation of tree save areas when the incentives are applied to individual lots due to the burden of tracking and inspecting numerous small sites on an on-going basis.

- Staff is recommending changes to the applicability of the Tree Ordinance tree save incentives to limit the incentives to parcels that are subject to the subdivision ordinance.
 - When the incentive for preserving more than 25 percent of the site as tree save is used, staff recommends adding a requirement to provide perimeter protection with either perimeter lots that meet the underlying zoning cluster provisions or a minimum 20-foot perimeter tree save area.
 - This text amendment is expected to have a minimal impact on the overall City tree save goals, based on the number of acres saved to date.
- **Proposed Request Details**
The text amendment contains the following provisions:
 - Adds a new definition for single family development to provide clarity within the Tree Ordinance. The new definition is: "Single family development shall refer to any single family detached dwelling or duplex dwelling submitted for review subject to the Subdivision Ordinance". Previously, the terms, "residential single family development" and "single family development projects" were used.
 - Removes the term "tenant" from the definition of homeowner.
 - Limits the application of the tree save incentives to developments that are subject to the subdivision ordinance.
 - Adds a provision to require sites utilizing the incentive resulting from saving more than 25 percent of the site as tree save to minimize visual impacts to existing adjacent lots by providing either perimeter lots that meet the underlying cluster provisions or a minimum 20-foot perimeter tree save buffer.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to maintain a healthy and flourishing tree canopy.
 - **TRANSPORTATION CONSIDERATIONS**
 - No comments received.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Department Comments
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review

