

Petition No. 2016-T001
Petitioner: Engineering and Property Management and
Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING CHAPTER 21,
OF THE CITY CODE –TREES**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 21, “Trees”, Article 1 of the of the Code of the City of Charlotte is hereby amended as follows:

A. ARTICLE I. IN GENERAL

1. Section 21-2. Definitions

- a. Amend Section 21-2, “Definitions” by clarifying the definition of “homeowner” and adding a definition for “single family development”. All other definitions will remain unchanged. The revised definitions shall read as follows:

Homeowner- a ~~tenant or~~ an owner of an existing single-family or duplex residence.

Single-family development shall refer to any single-family detached dwelling or duplex dwelling submitted for review subject to the subdivision ordinance.

B. ARTICLE IV. GENERAL LAND DEVELOPMENT REQUIREMENTS

1. Section 21-95 Tree save requirements for single-family development.

- (a) Amend Section 21-95, “Tree save requirements for single-family development”, subsection (e), “Incentives for increasing area”, and subsection (f), “Incentive limits” by adding clarifying language. All remaining subsections are unchanged. The revised subsections shall read as follows:

(e) *Incentives for increasing area.* Incentives for increasing tree save areas are designed to achieve the specific objective to:

- (1) Enhance the city's tree canopy in residential settings.

(2) Improve the overall quality of life within the larger ~~residential~~ single-family developments areas.

(3) Further the land use policies of the city, including encouragement of open spaces and the preservation of wooded sites.

(4) Discourage clear cutting of sites before and during construction of single-family development.

(f) ~~Incentive limits.~~ The following incentives apply to single-family development as defined by this chapter.

(1) Reduced Yards. For single-family ~~residential lots-~~ development requiring a tree save area, setback requirements as specified in Sections 12.805(3) (a), (b), and (c) of the zoning ordinance are reduced as follows:

(a) Front setbacks can be reduced to a minimum of fifteen (15) feet for all lots; front loaded garages must maintain a minimum setback of twenty (20) feet; and

(b) Rear yards can be reduced to thirty (30) feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum rear yard of subsection 9.025(1) (g) for the zoning district in which the development is located.

(2) Density Bonus. Single-family development ~~projects sites~~ may be granted a density bonus provided the entire tree save area is dedicated to common open space. Such dedication must be to a homeowners' association or a public or private agency that agrees to accept ownership and maintenance responsibilities for the space. The density bonus is calculated as follows: the entire dedicated tree save area in acres multiplied by the maximum residential density number of the underlying zoning district.

(3) Reduced Lot Sizes. A development need not meet the minimum lot area and lot width requirements set forth in table 9.205 of the zoning ordinance if it complies with one of the following incentives:

(a) Sites with more than ten (10) percent and up to twenty-five (25) percent of tree save area(s) ~~or areas~~ in common open space may apply the cluster provisions for lot size and lot width of that zoning category.

(b) Sites with greater than twenty-five (25) percent of tree save area(s) ~~or areas~~ in common open space, including the buffer area and where the perimeter protection is provided either by perimeter lots that meet the underlying zoning cluster provisions or by a minimum 20 foot perimeter tree save area, may apply the cluster provisions for lot size and width of the next lower zoning category as shown in the following table and in accordance with section 9.205(5) of the zoning ordinance.

	R-3	R-3 Cluster	R-4	R-4 Cluster	R-5	R-5 Cluster	R-6	R-6 Cluster
Min. Lot Area	10,000	8,000	8,000	6,000	6,000	4,500	4,500	3,500
Min. Lot Width	70'	60'	60'	50'	50'	40'	40'	40'

5. Section 21-96 Tree planting requirements.

- (a) Amend Section 21-96, “Tree planting requirements”, subsection (e), “Perimeter planting requirements”, subsection (1) by adding “a” in the fourth sentence. Other subsections remain unchanged. The revised subsection shall read as follows:

(1) *Single-family development zones.* Trees of a minimum two (2) inch caliper must be planted within twenty (20) feet of the back of the curb on new streets, and any existing streets with lot frontage, in new single-family development. Trees may be planted between the sidewalk and the curb if a minimum six (6) foot planting strip is provided. Spacing will be an average of forty (40) to fifty (50) feet apart for large maturing shade trees, and thirty (30) to forty (40) feet apart for small maturing shade trees. Where a single-family development is directly across the street from multifamily development, the spacing between trees will be an average of forty (40) feet. Existing two (2) inch caliper or greater large maturing shade trees preserved within twenty (20) feet of the back of the curb may be counted towards the street tree requirement if they are adequately protected during construction. The City may grant a modification for other existing trees on a case-by-case basis.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ____ day of ____, 2016, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2016.