

REQUEST	Text amendment to Article I, Section 21-2; Article IV, Section 21-93, 21-94, and 21-96 of the Charlotte Tree Ordinance; and Sections 9.8506, 9.906, 10.812, 10.907, 15.4.9 of the Zoning Ordinance
SUMMARY OF PETITION	<p>The petition proposes to update the Tree Ordinance and Zoning Ordinance for sites zoned for urban development. Specifically, the text amendment:</p> <ol style="list-style-type: none"> 1) promotes better integration of trees into urban sites. 2) provides flexibility of where trees are planted on urban sites. 3) results in no net loss of code required trees on urban sites. 4) modifies the perimeter tree planting, internal tree planting and tree save area requirements on urban sites. 5) adds new definitions.
PETITIONER AGENT/REPRESENTATIVE	Charlotte Planning, Design and Development Department Charlotte Planning, Design and Development Department
COMMUNITY MEETING	Two public information meetings were held to discuss the proposed tree ordinance regulations even though no meeting was required per the Zoning Ordinance.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Urban Forest Master Plan</i> goal to enhance Charlotte's tree canopy cover. The forest is a vital city asset that needs constant care and replenishment.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Defines urban zones and creates codified flexibility to allow better tree installation on densely developed sites. • Requires accountability for all code required trees. No net loss of tree ordinance mandated trees. • Provides alternative approaches for locating street trees when urban sites are constrained in right-of-way areas. • Allows internal trees to be planted in alternative locations on the site, such as rooftops and raised plazas, where they are currently not permitted. • Creates new amenitized tree areas as optional incentive to provide urban tree canopy on site.
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PLANNING STAFF REVIEW

- **Background**
 - The intent of the Charlotte Tree Ordinance is to protect, facilitate, and enhance the aesthetic qualities of the community. Trees provide shade and are visual and physical buffers.
 - Preservation and planting of trees is important to maintain and enlarge the tree canopy. The Tree Ordinance protects trees in the public right-of-way and provides tree protection and planting requirements in association with new development and redevelopment on private property.
 - The current Tree Ordinance standards were originally developed when most development was lower intensity and more suburban in form. Since that time, more intense and urban development has become a priority in strategic locations.

- Compliance with the ordinance is more challenging for intensely developed urban sites because it can be difficult to find a good location for trees, as there frequently is not adequate room. This challenge is exacerbated by the limitations on what can go into the tree planting areas.
- Two community engagement meetings have been held to present the draft text amendment and gather input. In addition, a stakeholder group worked with staff to develop the basic concept for the text amendment and reviewed the draft. The UDO Ordinance Advisory Committee (OAC) also reviewed the draft and provided feedback.
- The highlights of the text amendment have been presented to the City Council, Council's Transportation and Planning Committee, the Planning Commission, the Charlotte Tree Advisory Commission and the Development Services Technical Advisory Committee, to provide updates and gather feedback prior to the public hearing.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - A new definition is included for "urban retail site" and the definition of "urban zones" has been updated to list the urban districts: UMUD (uptown mixed use district), MUDD (mixed use development district), TOD (transit oriented development), UR (urban residential), and NS (neighborhood services), as well as any zoning district with a PED (pedestrian overlay) or TS (transit supportive) overlay. Urban zones do not include single-family development, even if developed under an urban zoning district.
 - A new definition for "amenitized tree area" is proposed: "An area that serves to meet the tree save requirement for urban sites and includes planted trees and amenities, such as irrigation, landscaping, grass, seating, pathways and lighting or other items, as approved by the city".
 - Provide new standards for urban zones as follows:
 - For perimeter trees for urban sites:
 - If the required spacing and number of trees cannot be met due to site constraints (such as driveways or sight distance triangles/lines), alternatives are proposed:
 - Reduced spacing for large and small maturing trees is an alternative, with large maturing trees allowed to be spaced every 30' (instead of 40') and small maturing trees to be spaced every 20' (instead of 30').
 - Alternative placement of trees elsewhere on the site, typically within 20' of the future back of curb.
 - Fee-in-lieu for trees that cannot be planted due to site constraints.
 - For internal trees for urban sites:
 - Flexibility regarding additional locations for trees has been added to allow trees on roofs, in permanent planters, on raised plazas, over parking decks, etc.
 - For townhome style residential development with parking provided in driveways, the required trees may be located elsewhere on the site.
 - For tree save areas for urban sites:
 - Allow the tree save area to be amenitized in a manner not detrimental to trees.
 - Allow a 10' no-build zone around the tree save area to count toward the tree save requirement (with criteria).
 - Provide flexibility to current tree save area requirements by allowing amenities, such as irrigation, landscaping, grass, seating, pathways, and lighting, with city approval.
- **Public Plans and Policies**
 - This text amendment aligns with the *Urban Forest Master Plan* goal to enhance Charlotte's tree canopy cover. The forest is a vital city asset that needs constant care and replenishment.
- **TRANSPORTATION CONSIDERATIONS**
 - No comments submitted.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**

- **Arborist:** Charlotte is known as the City of Trees, and historically been a community that's greatly valued trees across all stakeholder groups. The current proposed text amendment to the Charlotte Tree Ordinance provides needed flexibility on urban sites, while creating a better balance between the interests and benefits of urban tree canopy and development. Some of the current standards are not working well on urban sites for interests from either perspective. The proposed changes are a next step in the evolution of tree policy. The proposed new standards should provide greater opportunity to achieve high-level objectives outlined in the Tree Ordinance, City Council's *Urban Forest Master Plan*, and Tree Canopy Goal.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.

 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.

 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
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See Attachments (applications, department memos, etc.) Online at www.rezoning.org

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