

Tree Ordinance Text Amendment for Urban Sites

Answers to comments and questions from October 10 public meeting

Text Amendment

- **Having flexibility could be good.** *Staff response: The purpose of the text amendment is to allow flexibility in tree placement for urban sites.*
- **Where do trees that need to be planted elsewhere go?** *Staff response: Per the proposed text amendment, “trees that cannot be planted in the perimeter planting strip may be planted in alternative locations within 20 feet of the future back of curb, or in locations otherwise approved by the city.”*
- **Anxiety about eliminating continuous planting strips on the perimeters of urban sites, because of water problems.** *Staff response: The text amendment does not propose to eliminate continuous planting strips on the perimeter of urban sites.*
- **Concern that the parking area trees were being eliminated, especially in large parking lots.** *Staff Response: The text amendment does not propose to eliminate parking area trees for parking lots. It only proposes to allow relocation of trees required for parking in “townhome” driveways.*
- **Potential decrease in revenue from in lieu payments if amenities could be introduced in tree saves.** *Staff response: The priority is to have tree save provided on a development site, instead of off-site through in lieu fees. Introducing limited amenities in tree save areas would promote on-site tree save.*
- **How is flexibility going to get trees in alternate locations and fee-in-lieu going to help preserve & plant trees with focus?** *Staff response: Flexibility will allow trees to be planted in locations not expressly permitted by the current ordinance. This better allows us to get the “right tree in the right place”. Fee in lieu for perimeter trees that cannot be planted due to site constraints allows the collected funds to be used by the City Arborists Group to plant trees under their direction in right of way areas nearby to the site they could not be installed within.*
- **Could in-lieu fees be increased from what they are today?** *Staff response: Payment in lieu of providing tree save area is described in the ordinance as being set according to the average tax valuation for an acre of property. This fee may be increased as tax valuation increases.*
- **Tree save should be primary priority.** *Staff response: Incentivizing the choice to include good tree save areas in urban sites, rather than choose payment-in-lieu option, has been an important priority throughout the text amendment process.*
- **How much impervious surface is permitted in tree save area?** *Staff response: Amenitized tree areas as proposed in the text amendment would allow up to 25% impervious surface.*

- **Pervious surfaces should be encouraged wherever possible.** *Staff response: The proposed Tree Amenity Area requires that at least 75% of the area be pervious.*
- **Are there opportunities to create natural paths, or other types of paths so people can enjoy trees.** *Staff response: The proposed text amendment will allow natural paths through tree save areas.*
- **Tree save and open space be fully defined.** *Staff response: Tree save is defined in the current Tree Ordinance and both common open space and open space are defined in the Zoning Ordinance.*
- **Want to know what the end result will be if this is passed.** *Staff response: If passed, there will be increased flexibility on where trees can be planted on urban sites but will not reduce the number of trees. Staff will monitor the new approach and report on the use and results of the text amendment over time.*
- **What did public outreach for this amendment entail? What will outreach include as future changes are made?** *Staff response: Public outreach included three public meetings and a public hearing, including email notification to over 5,000 addresses prior to each. These emails went to community members who had signed up with the City Arborist's Office to be notified about tree related meetings, the Trees Charlotte email list, the Neighborhood Organization Contact list maintained by Housing and Neighborhood Services, and the Land Development Contact list maintained by Planning. In addition, information has been provided on the UDO website, the City's main web page, through a media advisory, and at Council's Transportation and Planning Committee meetings, as well as at Council's September Strategy Session. We are open to suggestions as to how to enhance public outreach.*

Tree Ordinance

- **Large canopy trees should be replaced by large canopy trees – need specificity about the type of trees that will be planted.** *Staff response: Large maturing trees are preferred and required where appropriate given the maxim to place “the right tree in the right place”. Staff is working to update the Approved Species List specifying large maturing and small maturing preferred tree species.*
- **Trees be fully functional and diverse.** *Staff response: All regulatory trees are reviewed, approved and inspected by Urban Forestry to ensure compliance with tree ordinance requirements and Land Development Standards.*
- **Something needs to be in writing that protects perimeter trees.** *Staff response: The Tree Ordinance contains language that protects perimeter trees located in the city right of way.*

- **Assessment should be done to project out tree growth.** *Staff response: This is a good idea and would likely require funding to contract with consulting firm that provides advanced geospatial mapping services.*
- **Can we see the project report for the tree canopy?** *Staff response: The City Arborist Office led the effort for the 2016 tree canopy analysis. Report can be found here: <https://charlottenc.gov/Engineering/LandscapeManagement/Trees/Pages/TreeCanopy.aspx>*
- **How does the Tree Ordinance ensure native trees are planted? What can be done to strengthen control over this component of our Ordinance?** *Staff response: The current ordinance requires that 50% of regulatory trees planted on a given site be native species. Urban Forestry currently requires this on all approved plans.*
- **Does the Tree Ordinance prioritize preservation of larger trees? Could a new ordinance require the planting of more mature trees or a caliper equivalency to match what was cut down with what is proposed?** *Staff response: Current ordinance does not prioritize large tree preservation, though there is a designation for specimen trees in single family development. Over the next two years, staff will work with the community to update the Tree Ordinance, as part of the Unified Development Ordinance (UDO) process, and this topic will be considered as part of that process.*
- **Does the city conduct public education on the tree ordinance requirements? Could the city conduct public educational events on this topic, so everyone is informed?** *Staff response: The City Arborist Group is developing educational components to inform citizens about tree ordinance requirements and general tree-related information.*
- **How does the city enforce the requirements in the tree ordinance? If a tree dies, or is not planted per the requirements how does the city go after the violation?** *Staff response: Urban Forestry and the City Arborist Group perform continuing compliance duties and regulatory functions per Tree Ordinance.*
- **Can the City propose regulations to protect trees on privately owned property?** *Staff response: Over the next two years, staff will work with the community to update the Tree Ordinance, as part of the UDO development, and this topic will be considered as part of that process.*
- **Many thought 15% tree save area requirement / 1 tree per 10,000 sq ft of impervious was too low.** *Staff response: These requirements are open to review and discussion during the larger UDO initiative which will include an update to the Tree Ordinance.*
- **Focus on canopy coverage and not 1 for 1. Adjust metrics/goals to better account for canopy vs. no net loss of trees.** *Staff response: These requirements apply to the entire city and are not limited to urban zoned sites. An opportunity to consider these concerns*

will be available during the UDO initiative which will include an update to the Tree Ordinance.

Larger “Green” Issues

- **Consider the possibility of oases in Urban Zones, intentional siting of tree groups which would be set apart before development.** *Staff response: Over the next two years, staff will work with the community to update the Tree Ordinance, as part of the UDO development, and this topic will be considered as part of that process*
- **Could changes to the tree ordinance prohibit or limit the practice of clear cutting or promote the preservation of sizable areas of mature trees?** *Staff response: Over the next two years, staff will work with the community to update the Tree Ordinance, as part of the UDO development, and this topic will be considered as part of that process.*
- **Pay more attention to the environmental impacts over the economic benefit of development.** *Staff response: This suggestion is important to voice during the larger Tree Ordinance revision during the UDO effort.*

Misc. Comments/Concerns

- **Developer representative stressed the number of meetings necessary to field a project, including with the City Arborist, who apparently sanctions the trees in the tree save.** *Staff response: Urban Forestry in the Planning Department reviews and approves all tree save areas. Staff strives to ensure good tree save areas are approved, and on some sites this does require meetings to facilitate communication.*
- **The project addresses the future of % of urban development in the area.** *Staff response: The 2040 Comprehensive Plan will guide future development in Charlotte, including the percentage of development that will be urban in form.*