



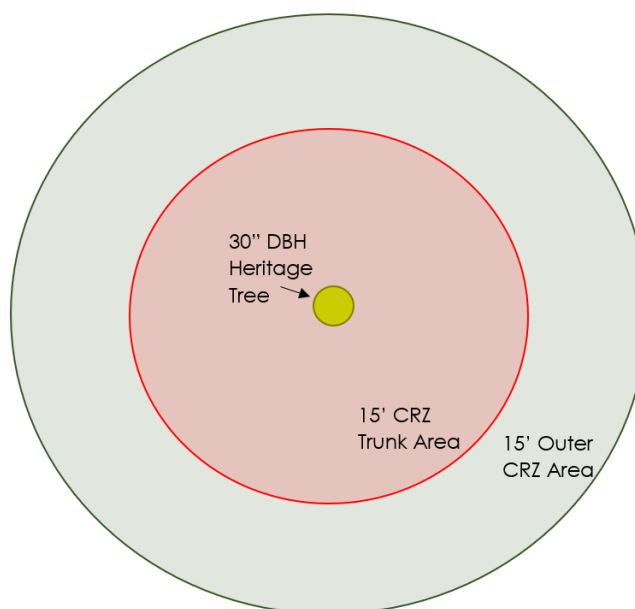
Heritage Trees

UDO - Tree Protection Article: 29-3, 29-4

Heritage Tree Standards

1. Preservation

- a. Heritage trees are protected at all times within the City of Charlotte and its extraterritorial jurisdiction (ETJ) on all private property, and on the following public property sites: public facility properties, unaccepted public rights-of-way (public alleyways and paper street right-of-way)
- b. No person shall place, store, deposit, or maintain, upon the ground in any heritage tree critical root zones (CRZ), any compacted stone, cement, brick, sand, or other materials which may impede or obstruct the free passage of air, water, and fertilizer to the roots of any heritage tree without written authorization from the City
- c. Dispose of or apply substances which are toxic to trees, within the CRZ of heritage trees
- d. Critical root zone standards
 - i. The CRZ shall equal one (1) foot of trunk for each inch of heritage tree trunk diameter (DBH)
 - ii. Minimum offset for cut/fill- No cutting for filling shall occur within 10' feet of the root flare of any Heritage tree
 - iii. CRZ areas
 1. Inner CRZ area – Up to 25% of this area may be disturbed.
 - a. Area directly adjacent to the root flare measured in feet. Equal to $\frac{1}{2}$ tree's DBH
 2. Outer CRZ area – Up to 50% of this area may be disturbed, unless otherwise approved by per
 - a. Remaining CRZ area adjacent to and outside of the inner CRZ area
 3. CRZ Example: 30" DBH heritage tree
 - a. Total CRZ: 30' total CRZ
 - b. Inner CRZ area: $30'' \text{ DBH} / 2 = 15'$ Inner CRZ area from root flare
 - c. Outer CRZ area: area ranging from 15' – 30' from root flare



4. Flexibility – Per requirements set forth in section 29-9 (a), the Chief Urban Forester may consider an adjustment to CRZ standards. Adjustments may be considered for existing site conditions that have contributed to restricted root growth, existing site constraints such as sewer lines, topography, impacts of CRZ related to heritage trees on adjacent properties
2. Tree work permits – removal, maintenance, land disturbing activity
 - a. No heritage tree shall be removed without a City-issued TWP from the Urban Forestry Division. There are two types of TWPs:
 - b. Permit types, fees, and application
 - i. TWP types
 1. General TWP – for scenarios outside of land development permitting
 2. Land development TWP - A City-approved land development plan constitutes a TWP
 - ii. TWP fee – Will be \$150.00/permit for non-land development scenarios
 - iii. TWP applications – All applications must include an application form and heritage tree worksheet. Removal requests based on health/condition must include a heritage tree risk assessment, all other removal requests must include a heritage tree removal assessment indicating supporting reasons to remove
 - c. Tree Removal - authorization shall be granted only where any of the following occur:
 - i. The tree and critical root zone are located within the buildable area where a structure or improvement may be placed and there is no other reasonable location. Mitigation shall be required
 - ii. Preservation of the tree would unreasonably restrict use of the property. Mitigation shall be required
 1. Qualifying restrictions:
 - a. Site access – new driveway/access roads
 - b. Infrastructure - Installation of utilities or drainage infrastructure that may not be reasonably rerouted
 - c. CRZ – sites where greater than 49% of buildable area is impacted by CRZ after allowable CRZ disturbance is accounted for
 - iii. The tree is sufficiently diseased, injured, dead, in danger of falling, creates unsafe sight distance, or conflicts with other sections of this Ordinance or provisions of other ordinances or regulations. Mitigation shall not be required
 1. A Tree risk assessment completed an ISA Certified and TRAQ Qualified Arborist is required in these cases, except for hazard trees presenting imminent hazard to life or property where the hazard cannot reasonably be mitigated without removing the tree
 - d. Tree Maintenance – Maintenance of heritage trees shall be completed by an ISA certified arborist and does not require a TWP. This includes crown cleaning, crown balancing, cabling/bracing, reduction of limbs, removing dead, damaged, and broken limbs, deep root fertilization, root pruning, and removing dead branches. Prohibited maintenance actions include: topping
 - e. Land disturbing activity – A TWP is required prior to the occurrence of any disturbance or land disturbing activity that may impact CRZs

3. Civil penalties

- a. Owners and persons who remove a heritage tree or disturb the critical root zone of a heritage tree without a tree work permit (TWP) are subject to the following civil penalties:
 - i. Fine - \$200 per inch of diameter removed
 - ii. Re-planting penalty - five (5) trees to be planted on the violation site per CLDS 40.00
 - iii. Willful violation – Any person who knowingly or willfully violates Article 29 shall be guilty of a Class 2 misdemeanor and may, upon conviction thereof, be subject to punishment as provided in City of Charlotte Municipal Code Chapter 2, Section 2-21. This remedy is in addition to any civil penalties that may be assessed
 1. Civil penalties will be doubled in cases of willful violation

4. Mitigation

- a. Tree planting– a minimum of one (1) mitigation tree shall be planted on the property. Mitigation tree shall be a large mature species
 - i. All mitigation trees shall be a minimum of two-inch caliper and planted per the general planting requirements of section 29.7 of the Tree Protection Article.
- b. Heritage tree mitigation fee = \$1,000 mitigation fee required for each heritage tree removed
 - i. Mitigation tree planting credit - The planting of additional mitigation trees on the property to offset the total of heritage tree diameter removed will reduce mitigation fees. If one (1) mitigation tree is planted for every 10 inches removed (minimum of 3 trees), each mitigation fee may be reduced up to \$500