



Green Area – Off-site Mitigation

UDO - Tree Protection Article: 29.4, 29.5

29.5 (F) Off-Site Mitigation

An applicant may convey or protect, at no cost to the City, an amount of land equal to the required green area acreage, or a portion thereof, within the City or ETJ, to a land conservation group or the City, for the purpose of preserving off-site tree canopy to meet the requirements of this section, per Table 29-2. Mitigation shall be:

1. Approved by the Chief Urban Forester.
2. Acceptable to a land conservation group listed in the Charlotte Tree Manual
3. In compliance with the Charlotte Tree Manual

Off-site mitigation is not available for single-family development as an option for site to meet applicable green area requirements

Determining Off-site Tree Save Applicability

1. Determine site's place type, consult Table 29-1: Tier Assignment of Place Types to determine applicable tier, consult Table 29-2: Green Area Credits to determine options available

a.

Tier 1	Tier 2	Tier 3	Tier 4
Regional Activity Center	Manufacturing and Logistics	Neighborhood 2 - All zoning districts other than N2-C	Neighborhood 1
Community Activity Center	Neighborhood Activity Center	Campus - All zoning districts other than IC-2	Parks & Preserves
Campus - If zoned IC-2	Commercial		
	Innovation Mixed Use		
	Neighborhood 2 - If zoned N2-C		

b.

Green Area Credits	Multipliers			
	Tier 1	Tier 2	Tier 3	Tier 4
Land donation to the City's Tree Canopy Preservation Program (TCPP), both on-site <u>or</u> off-site, per site requirements in the Charlotte Tree Manual	1.25	1.25		
Off-site mitigation ³	1	0.65		

Plat & Recordation Method – Off-site Tree Save Area

Guidance and requirements for when protecting land using off-site using tree save method

1. To qualify for compliance with green area requirements, receiving sites for off-site tree save areas shall meet items 1-9 of the tree save standards listed per sections 29-4 (D) and 29-5 (D) of the Tree Protection Article
2. Should the receiving site be part of a larger site or for any reason the off-site mitigation not occupy the entire parcel then the applicable acreage being mitigated must be described in meets and bounds and recorded on the final plat of the receiving parcel
3. Intent – To qualify receiving sites must be protected with the explicit intent to serve as off-site tree save areas to provide compliance with green area requirements. Sites that are already protected for other reasons don't qualify for off-site tree save consideration
 - a. Qualifying Criteria – Sites shall not qualify for off-site tree save consideration if: 1) protected as tree save, protected by conservation easement, or protected by deed restrictions unless previously approved by the City of Charlotte Tree Save Bank Program (program being developed); 2) located in a SWIM buffer on a developed property

- i. Minimum Acreage – Areas shall be at least 0.25 acres in size to qualify for off-site tree save consideration
 - ii. Location – Sites must be located within the City of Charlotte corporate limits or its ETJ to qualify for off-site tree save consideration
 4. Proximity - Receiving sites shall be located within a half mile (0.5 miles) of the sending development site. Receiving sites may also be located within the Low Tree Canopy Area - Equity Overlay as depicted in the Charlotte Tree Manual (see CLT Explorer). **This overlay will cover areas of Charlotte that both 1) have existing low tree canopy coverage per the 2019 Tree Canopy Change Assessment, and 2) scored low within the four metrics of the Charlotte Future 2040 Comprehensive Plan's Equitable Growth Framework**
 5. Final Plats - The following items shall be included and/or noted on final tree save plats:
 - a. All tree save areas shall be individually labeled and noted on the record map and within the tree save table. Example labeling: "OFF-SITE TREE SAVE AREA 1"
 - b. The exact dimensions of tree save areas shall be depicted and hatched on the record map and included in the tree save table
 - c. Square foot and/or acreage total for all tree save areas shall be included
 - d. All heritage or specimen trees used to meet green area requirements shall be depicted and include a DBH measurement for each tree and exact dimensions of dripline area
 - e. No build zone - A ten-foot no build zone shall be depicted adjacent to all tree save areas and shall be labeled: "NO BUILD ZONE", the following note shall be included: "There is a ten-foot (10') no build zone directly adjacent to all tree save areas"
 - f. Purpose - A note indicating "The purpose of the off-site tree save area is to provide compliance with the Charlotte Unified Development Ordinance's Tree Protection Article's Green Area Requirement
 6. Timing
 - a. Plat approval - Off-site tree save plats shall be submitted for review and approved prior to issuance of City-approved land development plans
 - b. Letter of agreement - Shall be submitted prior to plan approval that clearly provides explicit permission from the receiving site's property owner allowing off-site tree save to exist on the receiving site shall be Property owner letter of agreement
 7. Conflicts – if for any reason agreements between property owners, site requirements or conditions, or other standards no longer apply or no longer can be met by the project; the project shall submit a revised plan or revision to approved plan (RTAP) prior to issuance of the first certificate of occupancy confirming how the site will comply with green areas requirements

Land Donation & Conveyance Method – Off-site Tree Save Area

Guidance and requirements for scenarios where land is conveyed fee simple or a CE is donated to the City or another approved conservation group:

1. Proximity - Receiving sites shall be located within five miles (3) of the sending development site. Receiving sites may also be located within the Low Tree Canopy Area -Equity Overlay as depicted in the Charlotte Tree Manual (see CLT Explorer)
2. Intent – To qualify receiving sites must be protected with the explicit intent to serve as off-site tree save areas to provide compliance with green area requirements. Sites that are already protected for other reasons don't qualify for off-site tree save consideration
 - a. Qualifying Criteria – Sites shall not qualify for off-site tree save consideration if: 1) protected as tree save, protected by conservation easement, or protected by deed restrictions unless previously approved by the City of Charlotte Tree Save Bank Program (program being developed); 2) located in a SWIM buffer on a developed property
 - i. Minimum Acreage – Areas shall be at least 0.25 acres in size to qualify for off-site tree save consideration
 - ii. Location – Sites must be located within the City of Charlotte corporate limits or its ETJ to qualify for off-site tree save consideration

3. To qualify for compliance with Green Area requirements, receiving sites for off-site tree save areas shall meet items 1-9 of the tree save standards listed per sections 29-4 (D) and 29-5 (D) of the Tree Protection Article
4. To qualify for compliance with Green Area requirements, land donations and conveyances shall meet the following standards:
 - a. Prior to plan submittal, meet with the Chief Urban Forester and representative from applicable conservation group to discuss the subject property being developed and the receiving parcel which you are requesting the off-site mitigation to take place on
 - b. Be placed into a permanent conservation easement with an approved land conservation group; or donated fee simple to an approved land conservation group with the explicit intent of conserving the land in perpetuity for tree canopy preservation
 - i. The conservation easement prohibits removal of trees unless trees are deemed hazardous and a permit for removal is issued
 - ii. The receiving site must be approved by the City and the conservation group taking over the property prior to issuance of City-approved land development plans. The conservation group must confirm this transaction via contract or letter of agreement
5. Final Plats - The following items shall be included and/or noted on final tree save plats:
 - a. All tree save areas shall be individually labeled and noted on the record map and within the tree save table. Example labeling: "OFF-SITE TREE SAVE AREA 1"
 - b. The exact dimensions of tree save areas shall be depicted and hatched on the record map and included in the tree save table
 - c. Square foot and/or acreage total for all tree save areas shall be included
 - d. All heritage or specimen trees used to meet green area requirements shall be depicted and include a DBH measurement for each tree and exact dimensions of dripline area
 - e. No build zone - A ten-foot no build zone shall be depicted adjacent to all tree save areas and shall be labeled: "NO BUILD ZONE", the following note shall be included: "There is a ten-foot (10') no build zone directly adjacent to all tree save areas"
 - f. Purpose - A note indicating "The purpose of the off-site tree save area is to provide compliance with the Charlotte Unified Development Ordinance's Tree Protection Article's Green Area Requirement
6. Timing
 - a. Plat approval - Off-site tree save plats shall be submitted for review and approved prior to issuance of City-approved land development plans
 - b. Letter of agreement - Shall be submitted prior to plan approval that clearly provides explicit permission from the receiving site's property owner allowing off-site tree save to exist on the receiving site shall be Property owner letter of agreement
 - c. Should the receiving site be part of a larger site or for any reason the off-site mitigation not occupy the entire parcel then the applicable acreage being mitigated must be described in meets and bounds and recorded on the final plat of the receiving parcel

Approved Conservation Groups

The following conservation groups have been designated acceptable entities to convey and/or donate land or a conservation easement to for the purposes of meeting off-site tree save mitigation

1. **City of Charlotte, NC**
2. **Mecklenburg County Park & Recreation**
3. **Catawba Lands Conservancy**