

Legislation Details (With Text)

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On agenda:	8/22/2022	Final action:			
Title:	Amendments to the Charlotte Tree Ordinance				
Attachments:	1. Charlotte Tree Ordinance Amendment, 2. Planning Committee Recommendation for Trees				

Date	Ver.	Action By	Action	Result
8/22/2022	1	City Council Business Meeting	Approve	Pass

Amendments to the Charlotte Tree Ordinance

Action:

Adopt an ordinance to amend Chapter 21 of the City Code with an effective date of June 1, 2023.

Staff Resource(s):

Alyson Craig, Planning, Design & Development
Tim Porter, Planning, Design & Development

Explanation

- Chapter 21 of the City Code is known as the Charlotte Tree Ordinance. This ordinance currently contains development and non-development related tree regulations applicable within the City of Charlotte's corporate limits and its extra-territorial jurisdiction (ETJ).
- Adoption of the proposed amendments to the Charlotte Tree Ordinance is recommended to align with the core consolidation and alignment objectives of the Unified Development Ordinance (UDO) and the overall vision and tree canopy policy objectives of the Charlotte Future 2040 Comprehensive Plan.
- A development-related heritage tree regulation is proposed for inclusion in the UDO and is intended to be adopted as a part of the UDO.
- A non-development related heritage tree regulation is proposed for inclusion in the Charlotte Tree Ordinance.
- In conjunction with adoption of the UDO, the following amendments to the Charlotte Tree Ordinance are proposed and if adopted would become effective on June 1, 2023.
 - All development-related regulatory applicability will be repealed;
 - All development-related tree regulations will be deleted;
 - All definitions that are solely development-related will be deleted;
 - Add language clarifying administrative duties and responsibilities of the Chief Urban Forester;
 - Add a new non-development Heritage Tree regulation protecting native North Carolina trees on private property;
 - Add new definitions related to non-development Heritage Tree regulation;
 - Add language to clarify preservation intent and requirements of city street trees; and
 - Complete minor clarifying and corrective revisions to existing sections of the Charlotte Tree Ordinance.

Background

- The UDO is a set of development regulations designed to guide the city's future growth and development.
- The UDO is a city-wide effort to consolidate and update eight ordinances and development regulations (zoning, subdivision; street and sidewalk regulations; trees; post-construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control). The first draft of the UDO was released on October 7, 2021. This draft included development and non-development related tree regulations.
- The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and complements the Tree Canopy Action Plan (TCAP).
- The TCAP was a stakeholder companion project to the Charlotte Future 2040 Comprehensive Plan. The TCAP included data analysis and a review of Charlotte's tree canopy, a peer-city review which included a comparison of Charlotte's urban forestry regulations with four other regional and national cities, a public engagement effort, and a summary report outlining urban forestry policy recommendations for City Council.
 - The TCAP Summary Report to City Council provided numerous policy recommendations and ordinance concepts, including a heritage tree policy and regulations, for consideration to be included in the Charlotte Future 2040 Comprehensive Plan and UDO.
 - Tree canopy policy and ordinance concepts associated with the proposed amendments of the Charlotte tree Ordinance have been included in all previous, ongoing, and future UDO-supported public engagement strategies, efforts, meetings, and presentations.
- The UDO public engagement included in-person events throughout the city. Additional public engagement also included 20 virtual conversations on the various UDO topics in December 2021 and January of 2022. A total of 1,273 public comments were received on the first UDO draft during the public engagement period between October 7, 2021, and March 18, 2022. The Planning, Design & Development staff responded to each public comment, with staff responses posted on the UDO website at: www.charlotteudo.org.
- Public comments on development and non-development-related tree regulations were solicited, received, and responded to by staff. The "Charlotte's UDO and You!" show was designed to share general information about the UDO and illustrate how it affects the community, and one episode provided a deeper dive into heritage trees.
- Prior to the release of the Public Hearing Draft of the UDO, staff developed a new recommendation suggesting that non-development-related tree regulations should not be included in the UDO and should be included in the Charlotte Tree Ordinance. Staff presented and reviewed the recommendation with City Council at the UDO City Council Work Sessions on May 5, 2022, May 23, 2022, and June 13, 2022, and at the Transportation and Planning Committee Meeting on June 13, 2022. Staff presented and reviewed the recommendation with the Planning Commission at a June 6, 2022, Planning Commission Work Session and with the Charlotte Tree Advisory Commission on June 14, 2022, during their regular June meeting.
- On June 14, 2022 and June 16, 2022, staff held four more virtual sessions to highlight key changes made in the UDO Public Hearing Draft. Twenty-five individuals participated in these sessions.
- On June 15, 2022, an open house was held where residents could drop by to learn about the UDO and the amendments to the Charlotte Tree Ordinance and the key changes proposed in the UDO Public Hearing Draft. Fourteen individuals interacted with staff.
- A series of 16 virtual office hour sessions were held on June 21, 2022, June 22, 2022, June 23, 2022, and June 28, 2022. Residents could sign-up for 15-minute time slots to speak with staff on the proposed amendments to the Charlotte Tree Ordinance or to various parts of the UDO.
- On July 11, 2022, a public hearing was held for the City Council. There were no speakers that addressed the proposed amendments to the Charlotte Tree Ordinance.
- At their July 19, 2022 meeting, the Planning Committee of the Charlotte-Mecklenburg Planning Commission voted 7-0 to recommend approval of the proposed amendments to

the Charlotte Tree Ordinance.

- Additional information can be found at:
<https://charlotteudo.org/tree-ordinance-text-amendment-udo/>.

Attachment(s)

Charlotte Tree Ordinance Amendment
Planning Committee Recommendation