

## Legislation Text

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File #: 15-18246, Version: 1

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### Public Hearing on the City of Charlotte Tree Ordinance

**Action:**

**Conduct a public hearing on a text amendment to the City of Charlotte Tree Ordinance.**

**Staff Resource(s):**

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**Explanation**

- Chapter 21 Trees 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 will 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  - All development-related regulatory applicability will be repealed;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 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 citywide 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 review of Charlotte's tree canopy, a peer-city review and 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 regulation, 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, and Development staff responded to each public comment, with staff responses posted on the UDO website at [www.charlotteudo.org](http://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 a Transportation and Planning Committee Meeting. 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 3, 2022, the City of Charlotte released the Public Hearing Draft, also known as the Second Draft, of the UDO for public review and comment. A series of 16 virtual office hour sessions were made available for public feedback. Additional public comments will be received by the City Clerk between the publication of the legal advertisement and 24 hours prior to the start of the public hearing and provided to City Council prior to the public hearing.
- The Planning Committee of the Charlotte-Mecklenburg Planning Commission will make a recommendation on the proposed amendments to the Charlotte Tree Ordinance at its July 19, 2022, meeting.
- Staff will request adoption of the proposed amendments to the Charlotte Tree Ordinance at the August 22, 2022 Council Business Meeting.
- Additional information can be found on the UDO website at: <https://charlotteudo.org/>.

## **Attachment(s)**

Charlotte Tree Ordinance Amendment