Follow-up to November 28, 2011 Council meeting on Revisions to the Post Construction Controls Ordinance (PCCO) – Natural Area

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At the November 28 City Council meeting, Council voted against a staff recommendation to remove natural area (tree) requirements from the Post Construction Controls Ordinance (PCCO). Staff's reason for making the recommendation was to recognize the revised Tree Ordinance as the definitive ordinance governing tree save and to eliminate a duplicative requirement from the PCCO. After the vote, Mayor Foxx asked staff to consider a different way of resolving the duplication while also ensuring that the greatest number of trees could be saved.

It is staff's recommendation to monitor future plan reviews and to analyze ordinance implementation before any further changes to either ordinance are proposed. Currently, when a developer submits a plan to develop or redevelop a site, staff reviews these plans to ensure compliance with both ordinances. Both ordinance reviews are completed by staff within the Engineering & Property Management Department.

Though staff considers the Tree Ordinance to be generally more effective than PCCO in saving trees, there are limited instances where the PCCO will provide slightly greater protection. Specific analysis of the overlapping ordinance requirements to determine the maximum amount of tree save area is complex for several reasons:

1. The PCCO natural area requirements apply to plans for new development and plans for expansions of existing commercial sites, using an incremental calculation based on the percentage of expansion. The PCCO natural area requirements do not apply to other redevelopment site plans.
2. The Tree Ordinance's 15% commercial site tree save requirement applies to plans for new development and redevelopment of razed sites, but not to plans for expansions of existing commercial sites which were originally developed before 2011.
3. Both the PCCO and the Tree Ordinance apply to plans for single family developments using differing calculation approaches. In some cases, the PCCO tree save calculation will protect more trees; however, the PCCO counts trees in planting strips, utility rights-of-way and other areas toward the requirements. The Tree Ordinance calculation does not count trees in these areas. As a result, even in a case where the "tree save" area in the Tree Ordinance might be smaller, the number of trees actually protected is often higher.

As more plans are submitted for review, staff will have more cases to analyze and be able to better pinpoint the instances where PCCO may provide greater protection and quantify that difference in protection. Should a trend emerge, future revisions to the Tree Ordinance might

be considered in order to ensure optimal levels of tree protection without being overly burdensome and consolidate that protection into one ordinance.

Staff will continue to work closely with developers to facilitate adherence to both PCCO and the Tree Ordinance by providing guidance, including flow charts and tables. In the case of variances or appeals, the City Engineer (or designated staff) will propose the most appropriate committee for review based on the most restrictive ordinance and work with the developer and the advisory committees to try to eliminate the need for the developer to appear before both the Storm Water Advisory Committee and the Charlotte Tree Advisory Commission.

Staff recommends no further Council action at this time.