

**Motion #2017-3
 Tree Protection and Landscaping Regulations
 UDO Text Changes in §155.606**

155.606.5. Interior Landscaping *Insert new paragraph.*

5. h. INCENTIVES. If development requires 20 or more parking spaces, a reduction in the parking requirements may be permitted as follows:

i. A five percent (5%) reduction of the total number of required parking spaces is permitted inside the area that is devoted to parking if the area is used to preserve an existing tree(s) with a caliper of six (6) inches in diameter or greater.

ii. And/or the applicant may reduce the amount of required parking spaces up to ten percent (10%) for the purpose of installing additional tree islands containing at least one (1) large maturing tree. Reduction in handicap parking or required loading facilities is not permitted by this section.

Current sections §155.606.5.h., i., and j., will all be re-designated as i., j., and k. respectively.

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155.606.7. Tree Canopy Requirements *Revise table.*

A. 2. a. The amount of existing canopy that must be preserved on the site during development is determined by two (2) factors: the zoning district classification; and the percentage of existing tree canopy present before any land disturbing activity, as indicated below:

TABLE OF MINIMUM TREE CANOPY REQUIREMENTS	
Zoning District	Required Tree Canopy
R-15, R-20	20%
R-9, R-12, R-MH, R-15MF, R-12MF, CrC, R/I, O, B-1, B-3, BD, AU	15%
O, B-1, B-1SCD, B-H, B-3, BD, AU	12%
I-1, I-2, MUD, ENT, SRN	10%
R-VS, MUD, SRN, ENT	8%
HUC, C-MF, TS	4% 5%

Insert new paragraph and table.

A. 2. e. For all single-family homes large maturing trees must be placed on lots according to the table below. This functions to replenish the urban tree canopy in areas of new residential development. If existing saved trees meet the below requirements then no additional plantings are necessary. No large maturing tree shall be planted within 35' of an overhead utility line as measured from the closest wire. If tree placement would put a tree within 35' of an overhead wire, a small maturing tree may be substituted.

RESIDENTIAL TREE CANOPY REPLACEMENT REQUIREMENTS	
Lot Size (sq. ft)	Required Number of Large Maturing Trees
less than 5,000	1 front yard
5,000 - 10,000	1 front yard, 1 rear yard
10,001 - 15,000	1 front yard, 2 rear yard
15,001 - 20,000	2 front yard, 2 rear yard
greater than 20,000	3 front yard, 3 rear yard

Revise 2 paragraphs and insert a new paragraph.

- A. 3. b. Each large maturing tree with an expected height greater than thirty-five feet (35') upon maturity, whether preserved or newly planted, is calculated to provide ~~two thousand (2,000)~~ one thousand two hundred (1,200) square feet of tree canopy. Newly planted large maturing trees must be a minimum of two inch (2") caliper and eight feet (8') in height at time of planting.
- c. Each small maturing tree with an expected height less than or equal to thirty-five feet (35') upon maturity, whether preserved or newly planted, is calculated to provide four hundred (400) square feet of tree canopy. Newly planted small maturing trees must be a minimum of one and one-half inch (1½") caliper and six feet (6') in height at time of planting.
- d. Trees planted to meet canopy coverage requirements shall be planted no less than twenty feet (20') from any other proposed or existing small maturing tree and forty feet (40') from any other proposed or existing large maturing tree.

Current sections §155.606.7.A.3.d., e., f., and g., will be re-designated as e., f., g., and h. respectively.

Insert new paragraph.

- A. 5. PAYMENT - IN - LIEU
- a. While preserving native canopy is strongly preferred, the Applicant may issue payment to the Town of Matthews Tree Canopy Fund in lieu of on-site tree save. This option is only available for commercial, industrial, and multifamily development. Prior to submitting plans for development in which payment-in-lieu is to be undertaken, the Applicant shall schedule a meeting with the Planning office to discuss the project, and calculate payment-in-lieu for the site. Payment-in-lieu can be used for a portion of the required tree save or its entirety. If Applicant requests more than fifty percent (50%) reduction of the tree save requirements listed in § 155.606.7 for payment-in-lieu, Board of Commissioners approval is required.
- b. The tax value per acre (TV) used to calculate the payment-in-lieu will not exceed ninety percent (90%) of the average tax value of land per acre in the Town of Matthews. The average tax value per acre will be determined by the planning office using the current tax data from Mecklenburg County. See the formula below for calculation of payment-in-lieu.
- c. The primary objective of the Tree Canopy Fund is to use payment for the installation and maintenance of trees on public property. The Town shall also use funds for the cost associated with the implementation of this Chapter, the Tree Ordinance, Town sponsored tree management programs, and for the study, inventory, maintenance or treatment of public trees requiring the services of a certified arborist or other qualified consultants. Tree Canopy Funds will not be used in lieu of General Fund support for existing landscaping and forestry programs.
- d. METHOD OF CALCULATION FOR PAYMENT-IN-LIEU: The payment-in-lieu shall

be calculated by the following formula:

$$TV \times A = PIL$$

Where:

- TV: The tax value of the property per acre, or 90% of the average tax value per acre of land in Matthews, whichever is less (dollars)
- A: Reduction of required tree save area (acres)
- PIL: Required payment in lieu (dollars)

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155.606.10. General Landscape Plan

C. Landscape Plan Approval. *Insert new paragraph.*

C. 2. Prior to the commencement of any activities requiring a grading and/or construction permit, a pre-construction conference must be held with the Town Landscape Manager and Planning office to review all procedures for protection and management of all protected landscape elements identified in the landscape protection plan.

For all development other than single-family dwellings on individual lots, the following on-site supervision is required:

a. The applicant shall designate one or more landscape protection supervisors who attended the pre-construction conference with the Town Landscape Manager and Planning office.

b. It shall be the duty of the landscape protection supervisor to ensure the protection of new or existing landscape elements as defined in the landscape plan. The approved landscape protection supervisor(s) shall supervise all site work to assure the development activity conforms to provisions of the approved landscape plan. At least one (1) designated landscape protection supervisor shall be present on the development site at all times when activity that could damage or disturb soil and adjacent landscape elements occurs including but not limited to: any excavation, grading, trenching, or moving of soil; removal, installation, or maintenance of all landscape elements and landscape protection devices; or delivery, transporting and placement of construction materials and equipment on site.

c. Sites shall be inspected as needed by the Town Landscape Manager and/or Planning office to assure work is conforming to the approved landscape plan. The landscape protection supervisor shall be in frequent communication with the Town Landscape Manager and Planning office during all land disturbance and planting activities.

Current section §155.606.10.C.2., will be re-designated as §155.606.10.C.3.

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155.606.12. Planting Standards. *Revise paragraph.*

K. Planting trees within sidewalk space, particularly in concrete, **and within parking lot tree islands**, requires special techniques and procedures in order to provide enough growing space beneath the concrete for the tree to prosper and maintain the integrity and stability of the **walkway surrounding impervious pavement**. The Landscape Manager will individually evaluate any landscape plan that includes trees in sidewalk pits **and parking lots**.