

**AN ORDINANCE TO AMEND ARTICLES 7.4.2 AND 7.4.5 - TREE PRESERVATION  
MITIGATION REQUIREMENTS**

**Section 1.** Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 7.4.2 b, and 7.4.2 f 2, and 7.4.5 of the Zoning Ordinance is hereby amended to be modified as follows:

Article 7.4.2 b

- b. ~~Site Analysis/Existing Features Plan.~~ **Tree Preservation Plan.** For the purposes of identification and preservation, a site analysis by a North Carolina Landscape Architect, Engineer, or other professional approved by staff is required for all development. The site analysis shall be submitted to planning staff prior to sketch plan review and prior to any clearing. **The plan shall include the delineation and calculated area of the canopy of the site, and the diameter at breast height (DBH), location, and species of all trees 12 inches in DBH and above. The survey may include only trees 24 inches and above if the licensed professional certifies that no small maturing specimen trees under 24 inches exist on the site. See Article 12.2.1 for the definition of a Specimen Tree.** The developer and/or the design firm shall review plans with staff to determine the best areas for potential tree save. Refer to Section 6.0 of the Subdivision Ordinance for all site analysis requirements.

Article 7.4.2 c

**Method for Calculating Existing Tree Save and Proposed Tree Save Areas.** Existing tree save area shall be considered the area in which the dripline of the existing tree or trees is located on the property plus an additional 5 feet around the perimeter, prior to development. Proposed tree save area shall be considered the area in which the drip line of the remaining tree or trees is located on the property plus an additional 5 feet around the perimeter after development. If root disturbance or construction activities occur within the dripline of any trees designated as tree save, only the area actually being protected will be included in the proposed tree save area. **However, for lots two (2) acres in size or less, the dripline of the protected trees may be disturbed and still counted as tree save area, provided that:**

- A. **Tree Preservation Plan prepared and signed by a certified arborist is submitted, and**
- B. **The Tree Preservation Plan demonstrates that the proposed reduced dripline area is sufficient to maintain the long-term health and stability of the preserved tree(s) based on the following factors:**
- i. **Tree species, size, and condition;**
- ii. **Soil conditions, proposed root damage, and drainage;**

**iii. Proximity to construction or grading activity; and**  
**iv. Proposed tree protection measures proposed during and after construction**

Article 7.4.2 f 2

2. Where circumstances prevent locating the required tree plantings or preservation standards on site, the developer may mitigate protected tree canopy removal by planting new trees on the site whose canopy equals that of the canopy to be removed (new tree canopy credits are described above). If site conditions are not conducive for healthy tree replacement planting on site, the developer may contribute to a Tree Fund/Bank set up by the town for the planting and maintenance of such trees elsewhere in the community. A combination of planting and contribution in lieu of planting is acceptable. The amount of contribution is based on the total cost of the required mitigation trees plus that of their installation. Planning staff will be responsible for reviewing and approving all tree mitigation plans consistent with the mitigation standards of this section, **but only up to 30% of the minimum preservation area may be mitigated as described above.**

For Specimen Tree Mitigation, the developer may mitigate the removal of specimen trees by planting new trees on the site whose total caliper (DBH) equals 100% of the total caliper of trees (DBH) to be removed above the ordinance requirement. **Heritage Tree Mitigation shall be calculated at 200% of the total caliper (DBH) of trees to be removed above the ordinance requirement.** If site conditions are not conducive for healthy tree planting on site, the developer may contribute to a Tree Fund/Bank as described above. Newly planted street trees, parking lot trees, and buffer trees do not count toward the mitigation calculation. **Mixed use zoning districts and non-residential uses may mitigate up to 50% of the specimen and heritage trees required to remain. Residential zoning districts may mitigate up to 30%.**

Article 7.4.5

**Post Site Plan Approval Disturbance Mitigation.** If a required tree save/preservation area or required undisturbed buffer yard is disturbed for any reason **after tree preservation plan approval by staff**, it shall be restored at a rate of 5 trees per 1,000 square feet. Trees to be planted shall have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation, and shall be at least 75% large maturing hardwood varieties. Where a disturbed area also functioned to buffer adjacent properties or public street(s), at least 50% of the trees shall be evergreen varieties. Trees shall be distributed throughout the disturbed area in such a way as to effectively replace the vegetation disturbed. Where under story vegetation is removed or disturbed it shall be replaced at a rate of 20 shrubs per 1,000 square feet. Shrubs shall be

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evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity. When a tree is destroyed due to an act of God, it shall be replaced with the same species or comparable species, 2 inch in caliper in size. A planting plan is required for staff review and approval prior to planting.

**Section 2.** This ordinance shall become effective upon adoption.

**PUBLIC HEARING DATE:** July 15, 2025

**PLANNING BOARD MEETING:** July 22, 2025

**SECOND PLANNING BOARD MEETING:** August 26, 2025

**TOWN BOARD DECISION:** Tentative September 16, 2025