



# CITY OF HENDERSONVILLE BUSINESS ADVISORY COMMITTEE

City Hall – 2<sup>nd</sup> Floor Meeting Room | 160 6<sup>th</sup> Avenue E. | Hendersonville NC 28792  
Monday, February 19, 2024 – 11:30 AM

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## MINUTES

Present: Chair Ken Gordon, Jay Egolf, Vice-Chair Rebecca Waggoner, Lyndsey Simpson, Chris Cormier

Absent: John Stevens, Cam Boyd, Sarah Cosgrove, Adam Justus, Jen Hensley, Brittany Brady

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Communications Manager Allison Justus, Budget Manager Adam Murr, Staff Attorney Daniel Heyman and Community Development Director Lew Holloway

Others:

### 1. CALL TO ORDER

Chairman Ken Gordon called the meeting to order at 11:34 a.m. and welcomed those present.

### 2. APPROVAL OF AGENDA

Sarah Cosgrove moved, seconded by John Stevens, to approve the agenda as presented. Motion carried unanimously.

### 3. APPROVAL OF MINUTES

The October 9, 2023 and November 20, 2023 minutes were not voted on since we did not have a quorum.

### 4. NEW BUSINESS

#### A. Approval of 2024 Annual Schedule of Meetings - *Jill Murray, City Clerk*

The annual meeting schedule was not voted on since we did not have a quorum.

#### B. Review of Draft Tree Ordinance - *Daniel Heyman, Staff Attorney*

Attorney Heyman explained that several months ago the City Council appointed a committee to update the City Tree Ordinance. Staff felt it appropriate to present the current draft to the Business Advisory Committee. Attorney Heyman showed the following PowerPoint presentation.

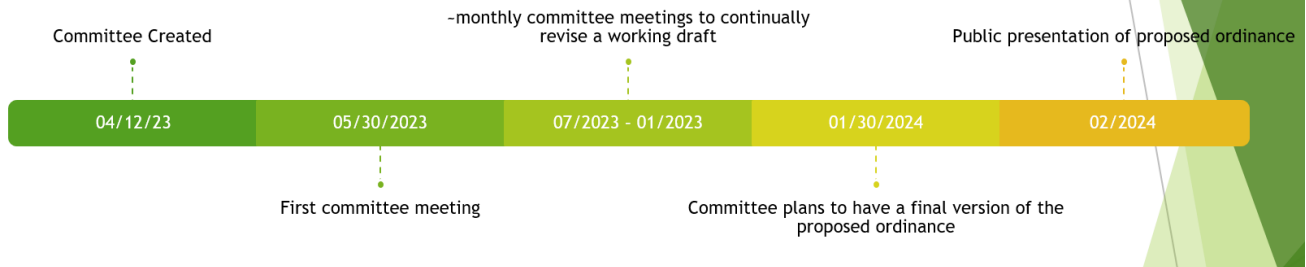


# Tree Ordinance Study Committee Update

Daniel Heyman, Staff Attorney  
City of Hendersonville

- ▶ Purpose: “to study and recommend ordinance provisions related to the preservation of the tree canopy within the City of Hendersonville.”
  
- ▶ Members:
  - Glenn Lange (Tree Board)
  - Mary Davis (Tree Board)
  - Mark Steirwalt (Staff - PW)
  - Lyndsey Simpson (City Council)
  - Virginia Tegel (ESB)
  - Neil Brown (Planning Board)
  - Lew Holloway (Staff - Community Dev.)
  - Daniel Heyman (Staff - Legal)
  - Steve Dozier (Business Advisory)
  - Susan Frady (At-large)
  - Caitlyn Gendusa (Staff - Sustainability)
  - Ken Gordon (Business Advisory)

## Rough timeline:



## Ordinance addresses:

- ▶ Preservation of existing trees
- ▶ Some expanded planting requirements (street trees, common open space)

## Ordinance does not address:

- ▶ Other environmental issues (steep slopes, stream buffers)
- ▶ Overall developed canopy percentage/planting requirements

# Benefits of preservation:

- ▶ Improved air quality
- ▶ Prevent stormwater runoff and erosion
- ▶ Control urban “heat-islands”
- ▶ Conserve energy (e.g. reduced AC use)
- ▶ Documented economic and health benefits

# Some considerations:

- ▶ Tree canopy preservation
- ▶ Private property rights
- ▶ Affect on affordable housing
- ▶ Development constraints on small sites
- ▶ Development flexibility

# Tree Canopy Cover Assessment

- ▶ Measures the amount of the City covered by Tree Canopy (35%)
- ▶ City limits and ETJ only
- ▶ Looks at things like possible planting area, impervious area, and unsuitable planting area (biologically possible but inappropriate e.g. baseball field)

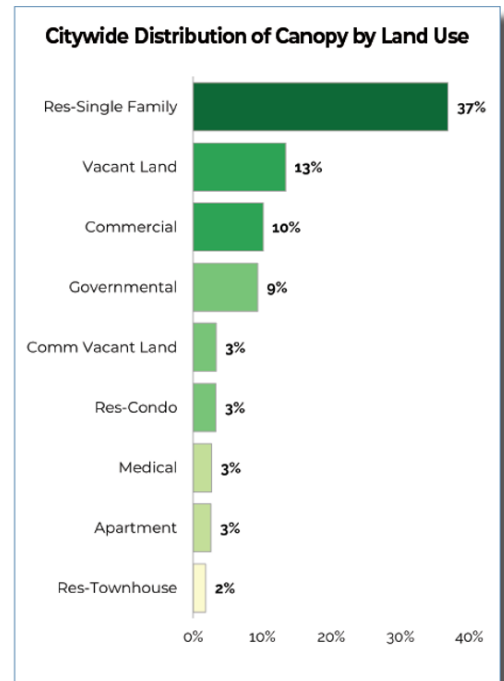
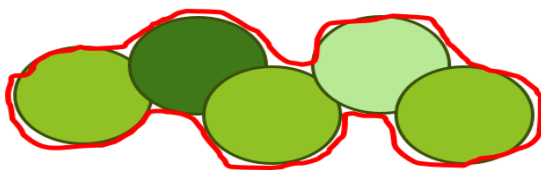
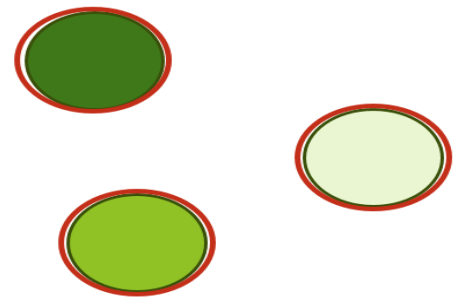
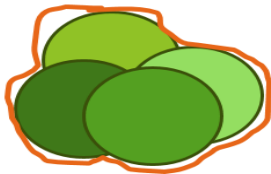


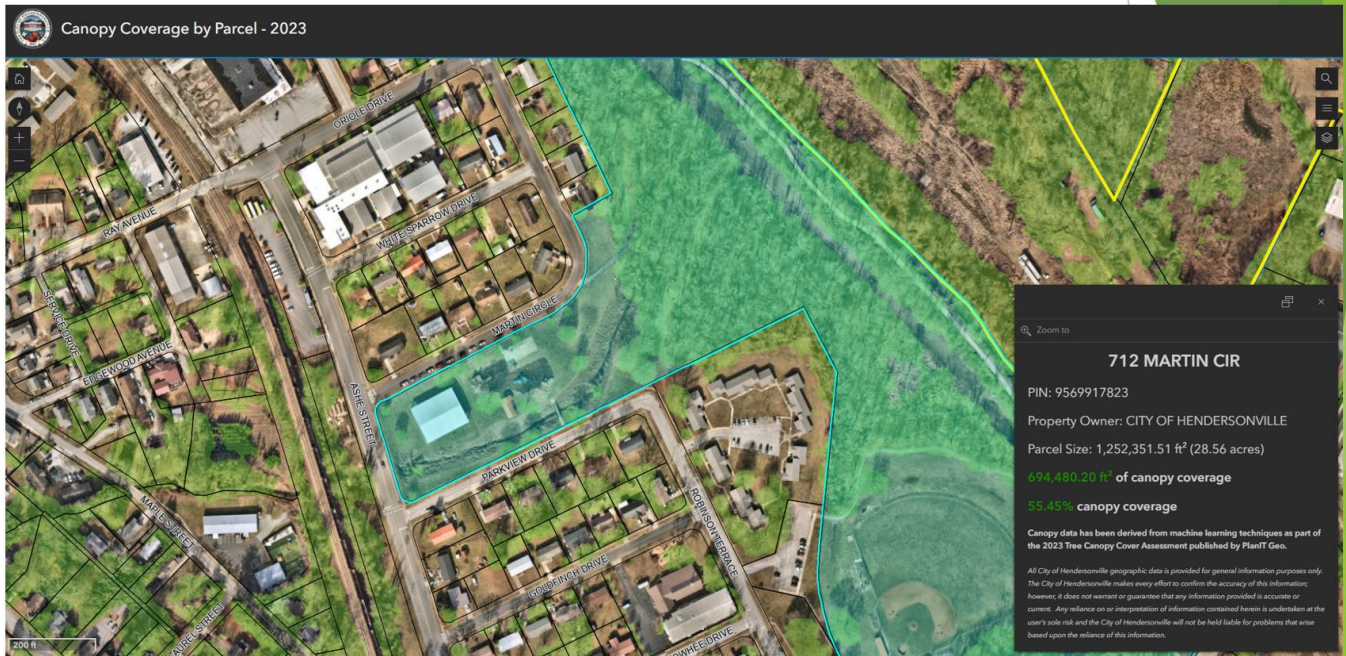
Figure 15. Distribution of citywide tree canopy by land use.

## Measuring Canopy





# Canopy Coverage Mapping Tool



## Existing landscaping requirements (not an exhaustive list):

- ▶ Existing single/two-family lots exempt (subdivisions have to comply)
- ▶ \*Submit a tree survey showing all trees 12” diameter +
- ▶ Parking lot landscaping
- ▶ Buffer based on proposed and adjacent uses
- ▶ Credits toward landscaping requirements for preserving existing trees
- ▶ Street trees in some areas (entry corridor, certain zoning districts)
- ▶ \*Open space landscaping in mixed-use districts

# Proposed changes (according to the current draft):

- ▶ No tree survey required, only a plan showing the tree line
- ▶ No credit for invasive species
- ▶ New tree canopy preservation requirement (details on next slide)
- ▶ Trees used to meet landscaping new landscaping requirements must be 75 percent native species
- ▶ Multi-family residential to buffer lower density residential with an 8-foot type A buffer
- ▶ Common open space landscaping (1 tree/5 shrubs per 1,200 sq. ft.)
- ▶ Open space landscaping (1 tree/5 shrubs per 4,000 sq. ft.)
- ▶ Street trees along all streets (unless exempt from landscaping ordinance)
  - (subdivisions already required to provide street trees along new streets)

## Proposed Tree Canopy Preservation Requirement:

- ▶ Does not apply to development site with  $\leq 30,000$  sq. ft. existing tree canopy (staff recommendation)
- ▶ Existing canopy = canopy according to the most recent Tree Canopy Cover Assessment conducted by the City of Hendersonville
  - If no canopy data - developer submits a plan showing the drip-line of existing canopy
  - If developer disagrees - developer may submit a plan showing existing canopy as of the date of the Cover Assessment
- ▶ Tier One - MUST preserve 20 percent of existing canopy. No fee-in-lieu (unless granted a variance)
- ▶ Tier Two - Preserve additional canopy according to the following schedule (or request a fee-in-lieu):

| Select One: | Existing Canopy Preserved (in addition to Tier One): | New Canopy Installation Required: | Total Tier Two Canopy Required: |
|-------------|--|-----------------------------------|---------------------------------|
| Option 1    | 10%  | 0%                                | 10%                             |
| Option 2    | 5%   | 7%                                | 12%                             |
| Option 3    | 0%   | 15%                               | 15%                             |

# Proposed Tree Canopy Preservation Requirement (continued):

- ▶ Trees preserved eligible for credits toward other landscaping requirements as long as they meet criteria (e.g. VUA landscaping must be w/in 20 ft. of VUA)
- ▶ Fee-in-lieu for Tier Two Canopy
- ▶ Delay of development approval for up to three years if all or substantially all trees are removed in violation (and other remedies)

| Example of Tree Canopy Preservation Requirement |   |  |                                   |                                |
|---|---|--|-----------------------------------|--------------------------------|
| Select One:                                     | Tier One Existing Canopy Preservation Requirement | Tier Two Tree Existing Canopy Preserved (in addition to Tier One): | New Canopy Installation Required: | Total Tree Canopy Requirement: |
| Option 1  | 17,424 sq. ft. (20%)                              | 8,712 sq. ft. (10%)  | 0 sq. ft. (0%)                    | 26,136 sq. ft. (30%)           |
| Option 2  | 17,424 sq. ft. (20%)                              | 4,356 (5%)   | 6,098 (7%)                        | 27,878 sq. ft. (32%)           |
| Option 3  | 17,424 sq. ft. (20%)                              | 0 sq. ft. (0%)   | 13,068 sq. ft. (15%)              | 30,492 sq. ft. (35%)           |

# Community Development Department Review and Recommendations:

## Recommended Planting List

- 1) We suggest that this list be titled “Approved Planting List.” This just clarifies language around this being a requirement of the zoning code, rather than a recommendation. [Definition Clarification]
- 2) We would request that the Tree Board establish a way of annually obtaining feedback on the list from site engineers and landscape architects or other professionals who may be developing planting plans within the community. [Administrative Clarification]

## Tree Board Review

- 1) Conditional Zoning District (CZD) review currently includes a Tree Board review of planting plans associated with site plans going through the Conditional Zoning District approval process. As discussed in the Tree Ordinance Review Committee meetings, we recommend that with the adoption of these new canopy preservation and enhancement standards that the Tree Board review process be removed from the CZD process as the new ordinance establishes standards sought by the Tree Board in this process. [Administrative Clarification]



# Community Development Department Review and Recommendations:

## Exemption Standard Alignment

- 1) The Tree Canopy Preservation standard as proposed establishes an exemption for lots that are 2 acres or less in size. Staff would suggest al [Definition Clarification]
- 2) We would request that this exemption be aligned with the exemption standards for stormwater and erosion and sediment control standards. We propose that the exception standard would read as follows:

**Tree Canopy Preservation.** All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development tracts whose area of disturbance is ~~no greater than two acres~~ less than an acre or whose total tree canopy does not exceed 30,000 square feet, shall preserve existing trees in compliance with this Section.

- 3) This recommendation is to simplify the review process while also continuing the potential downside impacts to sites with limited canopy coverage that the preservation standard might otherwise create. [Policy Recommendation]

## Planning Board Review and Recommendation:

- ▶ Planning Board heard staff’s presentation on the work of the Tree Ordinance Review Committee and on the Community Development Department recommendations, before accepting public comment.
  - ▶ Discussion of the Ordinance lasted a little over an hour and a half
  - ▶ Questions were around staff recommendations, the nature of the review and ordinance drafting process, the administrative review process and other implications of the proposed ordinance.
- ▶ The Planning Board broadly supported the ordinance specifically supporting two of the three Community Development recommendations and voting unanimously to recommend that the City Council adopt the Tree Canopy Preservation Enhancement Ordinance.

### 5. OTHER BUSINESS – None

## 6. ADJOURNMENT

Rebecca Waggoner moved to adjourn and there being no further discussion the meeting was adjourned at 12:48 p.m. upon unanimous assent of the Committee.

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Ken Gordon, Chair

ATTEST:

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Jill Murray, City Clerk