

ZONING TEXT AMENDMENT:  
TREE CANOPY PRESERVATION & ENHANCEMENT (P24-08-ZTA)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY



- Project Name & Case #:
  - Tree Canopy Preservation & Enhancement
  - P24-08-ZTA
- Applicant:
  - City of Hendersonville
- Articles Amended:
  - Article VII – Development Review; Sections 7-3-3 and 7-3-4, Article and Article XV – Buffering, Screening and Landscaping; Sections 15-4, 15-5, 15-6, 15-9, 15-13 and the addition of Sections 15-14 and 15-15.
- Applicable Zoning District(s):
  - Various
- Future Land Use Designation
  - Various
- Planning Board - Legislative Committee Meeting
  - January 16, 2024
- Summary Basics:
  - The petition proposes to establish Tree Canopy Preservation Standards for a certain scale of new development and enhances the requirements of the Buffering, Screening and Landscaping Standards of the Zoning Ordinance in favor of enhanced tree planting requirements for certain types of new development.

### *Summary of Amendment Petition:*

*The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late summer/early fall to review the tree board request and develop the ordinance which is presented here. In May of 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance.*

*Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.*

## AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

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This zoning text amendment can be viewed as having two primary goals. 1) To establish Tree Canopy Preservation standards for certain new development and redevelopment. These standards are based on the existing canopy found on the site at the time of development/redevelopment. 2) To enhance planting requirements, specifically for trees, associated with new development with a particular interest in improving “Open Space” and “Common Open Space” planting requirements and “Street Tree” planting requirements. These requirements are triggered are development sites which exceed 2 acres.

To achieve the goal if canopy preservation the Committee has recommended a two tiered preservation standard. Tier I canopy represents a requirement that 20% of the existing canopy shall be preserved. Tier II is required in addition to Tier I and incentivizes additional preservation with additional plating requirements if the development does not achieve the canopy preservation targets in the Tier II standards.

To achieve the second goal the ordinance introduce three new and/or modified planting requirements for new development which exceeds the thresholds established in Section 15-2. These new requirements include; 1) changes to vehicular use area landscaping which increases the number required while also creating more flexibility in how those plantings are spaced throughout the vehicular use area. 2) Expansion of section 15-13 to include all ‘Open Space’ required in the code, not just that associated with “mixed-use” zoning districts, and “Common Open Space,” typically 10% of certain residential and commercial development that did not previously come with planting standards. 3) The addition of Section 15-14 Street Trees which is establishes a more broadly applicable in require for the integration of street trees across zoning districts and development within the City. Currently, this requirement is associated with entry corridor overlay districts and certain limited zoning districts. In combination, these three requirements are intended to facilitate the pursuit of canopy enhancement on new development or redevelopment sites.

There are a number of other administrative clarifications, including new definitions, site plan submittal requirements and clarifications to tree credit standards.

## LEGISLATIVE COMMITTEE RECOMMENDATION

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The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, January 16, 2024. The members of the committee that were present were Jim Robertson, Peter Hanley and Donna Waters; staff attending included Matthew Manley. The Ordinance changes were discussed for approximately one hour and the following questions and recommendations were offered by the Committee members;

### QUESTIONS

- If it is intended that future growth should occur within the existing city limits to limit pressure on surrounding environments, what effect will tree canopy preservation standards have on the City’s ability to house that growth?
- What expertise (model policies, resources, experts, etc.) was used to develop the policies in the ordinance?
- What was the impetus for creating Tree Canopy protection standards? Is it tied to

the results of the Tree Canopy Study?

- Will the Species List be updated?
- In calculating the 20%/10% tree preservation areas, are only the trees within that area that qualify as “canopy trees” counted? Are invasive species counted? How will the area be determined? From analysis of aerial views, data from Canopy Study or from field surveys?

## RECOMMENDATIONS

- Species list should be referred to as “Required Landscape Species Lists for Street, Tree and Land Development Projects 2022” or just “Landscape Species Lists for Street, Tree and Land Development Projects 2022”.
  - 3-Year Hold is not long enough to deter clear-cutting sites in advance of development. This position is based on the length of time it takes to go through the development process including entitlement approvals, financing, final site plan approvals, etc. A more prohibitive penalty should be considered such as 5-10 year Hold plus standards for immediate mitigation (silt fencing, seed cover, tree plantings, etc.)
  - Clarify language for newly planted “canopy trees” - that they will be 50’ [at maturity].
  - Include illustrations for Street Tree so that recommendations are clearly understood.
  - Require street trees between street and sidewalks.
  - Require that trees adjacent to sidewalks have a minimum ground clearance of 7-8’.
  - For Sec 15-9, consider allowing for/requiring rain gardens or some form of water infiltration into Planting Islands in parking lots. Current planting requirements limits the amount of water getting to tree roots (planting space has curb and gutter and drip line of trees eventually exceeds the planting space). This burdens tree growth and/or causes trees to die.
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AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
<b>Land Use &amp; Development</b>	<i>Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses. Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan</i>
<b>Population &amp; Housing</b>	<i>Strategy PH-1.5.6. Promote the installation of street trees through private redevelopment projects and targeted installations in locations such as “park streets” identified in Strategy CF-7.1.</i>
<b>Natural &amp; Environmental Resources</b>	<i>Strategy NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville’s identity.</i>
<b>Cultural &amp; Historic Resources</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Community Facilities</b>	<i>Strategy CF-7.1 Create “park streets” that extend parks into neighborhoods by utilizing unique signage, landscaping, street trees and pedestrian path treatment.</i>
<b>Water Resources</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Transportation &amp; Circulation</b>	<i>Strategy TC-1.3. Incorporate Complete Streets concepts into future roadway improvements in order to create multi-modal streets.</i>

**GENERAL REZONING STANDARDS**

<b>Compatibility</b>	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses -</b>
	<i>The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.</i>
<b>Changed Conditions</b>	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	<i>There has been increased pressure to develop Greenfield sites throughout the city. Previously unimpacted by large scale development these site within the City and ETJ contribute to the character of the surrounding neighborhoods. The large scale clearing and grading often associated with new development has generated considerable concerns regarding conservation and preservation of natural resources and quality of life for residents within the City.</i>
<b>Public Interest</b>	<b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b>
	<i>The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.</i>
<b>Public Facilities</b>	<b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b>
	<i>The proposed text amendment does not have a large impact on public facilities.</i>
<b>Effect on Natural Environment</b>	<b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b>
	<i>The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.</i>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan*

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rationale for Approval]*

- The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.*
- The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.*
- The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.*

*DRAFT [Rational for Denial]*

- The proposed text amendments decreases the flexibility available to property owners seeking to redevelop property within the City.*
- The proposed text amendment reduces the available property for new development within the City, potentially increasing the costs associated with development and impacting affordability within the City.*