Tree Board Zoning Code Changes Summary 3.0 (3/14/23)

Street/Frontage Trees

1. Require the planting of street/frontage trees for the redevelopment and new development sites for all districts that do not already have street tree planting requirements. In addition, apply the following Street Tree Planting Standards to all districts:

    a.) All trees planted shall be a minimum of 2 inch caliper, consisting of a minimum 70% large maturing trees (50 ft. or greater) where possible and 75% native species. The remaining required trees shall be medium maturing trees (25-50 ft.) and be utilized where large maturing trees cannot be used with the exception that small maturing trees (< 25 ft.) shall be used under overhead power lines.
    b.) One tree shall be planted for each 25 ft. for small or medium maturing trees and for each 35 ft. for large maturing trees of the entire length of the property boundary which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 ft.
    c.) When sidewalks are required or utilized, street trees shall be planted in a planting strip between the sidewalk and the curb with a minimum width of 5 ft.
    d.) If no sidewalks are utilized, street/frontage trees shall be planted within 10 feet of the curb or edge of the pavement and no closer than 5 ft. to the curb or pavement.
    e.) Existing trees may be utilized to meet the above street tree requirements provided they meet the above location standards, tree size and native tree composition requirements, meet construction site tree protection requirements, and do not consist of invasive tree species. Invasive tree species shall be removed or killed at ground level, shall not be counted as street/frontage trees, and be replaced with trees as defined in this section.
    f.) The intent of this section is to require street/frontage trees to be planted wherever possible but at the same time planted in a location that does not adversely affect sidewalks, have enough room to grow properly and are not planted above underground utilities. Alternative planting locations can be considered that maintain the intent of planting street/frontage trees.

Open SpaceTrees

1. Require the planting of small (<25 ft.), medium (25-50 ft.) and large (50 ft. or greater) maturing trees for redevelopment and new development sites in all districts that do not already have open space tree planting requirements. In addition, apply the following Open Space Tree Planting Standards for all districts:

a.) All trees planted shall be a minimum of 2 inch caliper, consisting of one tree shall be planted for each 1000 square feet with a minimum of 70% large maturing trees (50 ft.or greater) and 75% native species. The remaining required trees shall be a 50/50 mixture of medium maturing trees (25 ft.- 50 ft.) and small maturing trees (<25 ft.).
b.) Existing trees may be utilized to meet the above street tree requirements provided they meet the above location standards, tree size and native tree composition requirements, meet construction site tree protection requirements, and do not consist of invasive tree species. Invasive tree species shall be removed, shall not be counted as open space trees, and be replaced with trees as defined in this section.
c.) Trees may be planted in groups with a minimum spacing requirements of 15' for small maturing trees, 25' for medium maturing trees, and 35' for large maturing trees.
d.) Note: Apply above standards and require native shrubs to Section 15-13

Tree Preservation

Existing inventoried trees shall be integrated into the development's landscape plan wherever possible. At a minimum, all new developments and redevelopments shall preserve 40% of the 12 inch (DBH) or larger trees inventoried on a project site.

Significant Trees (defined as trees greater than 24" DBH) shall be preserved and integrated into the development's landscape plan. Significant Trees may be removed only if essential site improvements cannot be accommodated elsewhere on the site. If Significant Trees are removed, they shall be mitigated by planting replacement large maturing (50' or greater) trees (min 2" in caliber) in the following numbers: 5 trees for each 24"-29" DBH tree; 8 trees for each 30"-35" tree; and 12 trees for each 36" + tree. All native trees shall be used. If the site cannot accommodate additional planted trees, then monetary payment shall be made to the Hendersonville Urban Forest Protection and Planting Program. The monetary value of each Significant Tree removed would be set by being evaluated by a Certified Arborist using the International Society of Arboriculture's The Guide for Plant Appraisal, 10th Edition.

Preserved inventoried trees may be used to fulfill the tree planting requirements for Street/Frontage, Open Space, Buffer, and Vehicular Use areas of the development provided they meet location, planting standards for the use under consideration, construction site protection standards, and are not invasive tree species. Invasive tree species shall be removed, shall not be counted for the defined use, and be replaced with trees as defined for a particular use.

Preserving additional trees beyond the required 40% of the 12 inch (DBH) for larger trees inventoried can be used as tree credits and be applied to Open Space, Buffer Yards, and Vehicle Use trees. Modify tree credit chart as follows: (Remove 2-6 inch and

7-12 inch categories); 13-18 inch DBH - 2 Tree; 19-24 inch DBH - 3 Trees; 25+ inch - 4 Trees.

Buffer Yard Trees

1. Modify the buffer yard chart to include buffers between single and two-family areas from all other higher density housing developments. Use Type B buffers for this requirement.
2. Modify planting requirements for Type A, B, and C buffers to include at least 75% native trees and shrubs, and a minimum of 2 inch caliper for large maturing trees (50 ft. or greater)
3. Existing trees and shrubs may be utilized to meet the above Buffer Yard Tree requirements provided they meet the location standards, tree size and native tree composition requirements, meet construction site tree protection requirements, and do not consist of invasive tree and shrub species. Invasive tree and shrub species shall be removed, shall not be counted as buffer yard trees or shrubs, and be replaced with trees and shrubs as defined in this section.

Vehicular Use Areas

Make the following changes to Section 15-9, Part a, b, and c.

Part a (Perimeter and Interior Plantings)

1.) (Paragraph 1) Decrease area requirement for each tree for planting to 3000 square feet and distance from parking space to tree to 50 feet.
2.) Sentence 3 (**add underlined words**): At least 75% of the required parking lot trees must be large (50 ft. or greater) broadleaf canopy trees and 75% native species. The remaining required trees shall be composed of medium maturing trees (25-50ft.)
3.) Sentence 4 **(remove italicized words**): Trees and shrubs must be planted within 20 feet of the vehicular use areas to count as parking lot landscaping; *provided, however, all street trees required by other provisions of this Zoning Ordinance shall count as parking lot landscaping.*
4.) (Paragraph 2) Sentence 3 (**add underlined words**): At a minimum, for each tree,...
5.) (Paragraph 3) Number 1 (**remove underlined words**): one and one-half to and **add the words** minimum of two-inch caliper; Number 2 (**add underlined words**): All other medium maturing (25-50ft) trees…

Part b (Planting Strips)

1.) Sentence 2 (**add underlined words**): One large evergreen or large maturing (50ft. or greater) deciduous tree ….native deciduous shrubs…..
2.) **Remove** the last sentence of Part b.

Part c (Buffering from Street)

1.) (Sentence 3) (**add underlined words**): native deciduous shrubs

Steep Slope Development

Prohibit development on slopes steeper than 20%.

Construction Tree Protection

Apply existing construction tree protection standards to all preserved trees in all zoning districts, including CZD districts.

Grading Limits

Land disturbance, including removal of any trees, shall not be permitted outside of necessary grading limits for essential site improvements. Development or redevelopment sites shall be designed to work with significant topographic features to minimize wholesale clearing, massive regrading, and leveling of a site for drainage and other essential site improvements. Buildings, roadways, parking, utilities, stormwater features, and other essential site improvements shall be designed and placed to minimize land disturbance and loss of tree cover, maximize the protection of wetlands, as well as, protecting slopes steeper than 20%.

Waterway Vegetative Management

1. Blue-Lined Streams
   a.) Increase the no disturbance zone (excluding invasive plant removal) to 40 feet on each side and increase the transition zone to 30 feet.
2. Existing Unprotected Stormwater Waterways
   a.) Require a no disturbance zone (excluding invasive plant removal) of 15 feet on each side of the waterway.
3. Waterway Vegetative Management Standards
   a.) Invasive plants shall be removed and the area(s) replanted with appropriate and diverse native vegetation, including trees, shrubs and herbaceous plants taking care not to create erosion problems. No turf grass shall be planted.
   b.) The 30 foot transition zone shall be planted with diverse and appropriate species of native upland and lowland trees, shrubs, and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators) that will enhance the existing stream corridor, reduce erosion, provide filtration and infiltration of stormwater from turf managed areas, and enhance wildlife habitat. No turf grasses can be planted.

c.) Existing erosion problems shall be corrected using current stream restoration techniques using abundant native vegetation with no large scale rip-rap used.
d.) A landscape plan shall be developed for all vegetation management of waterways.
e.) Establish a 40 foot no disturbance zone around all delineated wetlands.
f.) No existing trees may be removed from Special Flood Hazard Areas, including Zone AE

Long Term Tree Protection, Maintenance, and Replacement

Develop zoning standards to provide long term tree protection, maintenance and replacement, especially for planted trees, shrubs, and other required vegetation. Require enforceable agreements to maintain planned canopy cover (preserved and planted) at the level shown on site plans approved by the city council for a minimum of 10 years.

Penalties and Fines

Develop a system of penalties and fines for the failure of developers to follow tree preservation, and the planting of trees, shrubs and other vegetation required by zoning code regulations.

Site Plan Requirements

All site plans (preliminary and final site plans) submitted pursuant to Zoning Regulations shall include the following:

1. A tree inventory identifying all trees and species on a development project site of 12 inches or greater DBH (diameter at breast height).
2. A summary of the numbers and species of inventoried trees that will be removed and those that will be preserved.
3. The inventoried trees removed and preserved, and proposed existing vegetative disturbance shall be graphically shown in relation to buildings, parking areas, streets, roads and all other impervious surfaces.
4. A proposed landscape plan showing approximate location and species of all trees and shrubs to be planted, the vegetated composition of all required buffers and surface stormwater waterways.
5. Site plans, including a landscape plan, for CZD and all subdivision projects shall be presented to the Tree Board at a regularly scheduled meeting and be available to the Tree Board at least 7 business days before the meeting.
6. Grading/Disturbance Limits shall be shown on site plans.
7. Tree Board members shall be provided access to the development site once a preliminary plan has been submitted.