THE CITY OF ASHEVILLE
NORTH CAROLINA

Tree Canopy Preservation & Enhancement Ordinance Amendments

City Council

August 25, 2020

Presentation Overview

- **What** is prompting this ordinance?
- **How** does the draft ordinance work?
- Example Site
- Addressing Planning & Zoning Commission Concerns
- Feedback Cycle

Key Takeaways

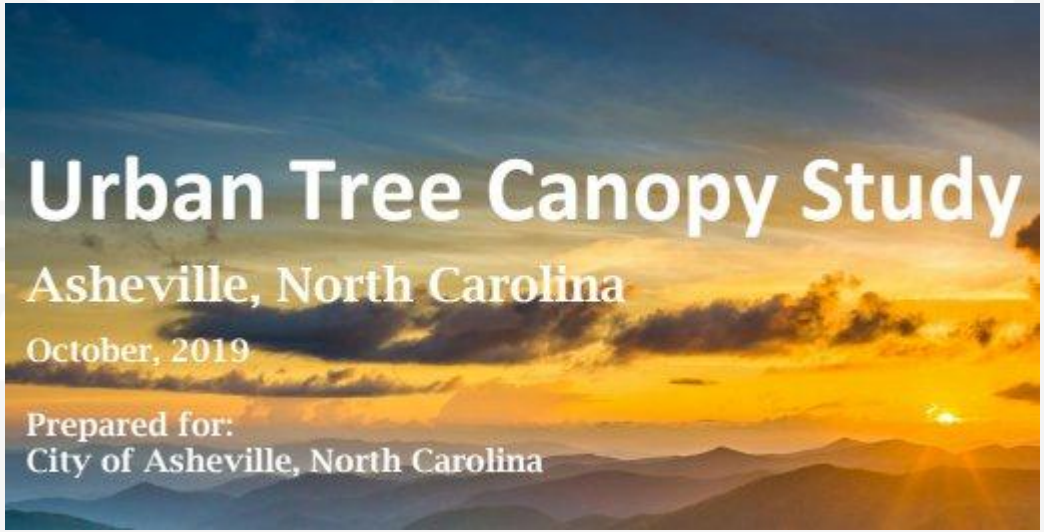
- Creates a new predictable and flexible requirement to preserve, install or pay a fee-in-lieu of tree canopy for many development types.
- Provides heavy incentives to preserving valuable existing tree canopy over planting new canopy or paying a fee.
- Applies requirements for shade and canopy to all developments within the City outside of one and two family residential units.

Why a Tree Canopy Preservation Ordinance

- Implements several Goals of the Comprehensive Plan.
- To slow or reverse tree canopy loss.
- To equate tree canopy protection to canopy lost by development activity.
- To create a positive change in land surface temperature and urban heat issues.

Supporting Studies

DEVELOP National Program
Applied Sciences' Capacity Building



Comprehensive Plan Goals

Goal 5, Outcome 2, Metric 3: Increase shaded sidewalks due to expanded tree canopy; and

Goal 20, Outcome 1, Metrics 2 & 3: A healthy and expanding urban tree canopy; and

Goal 23, Outcome 3, Metric 2: Area of canopy cover; and

Goal 25, Outcome 2: Minimize growth of impervious surfaces citywide.

General Highlights

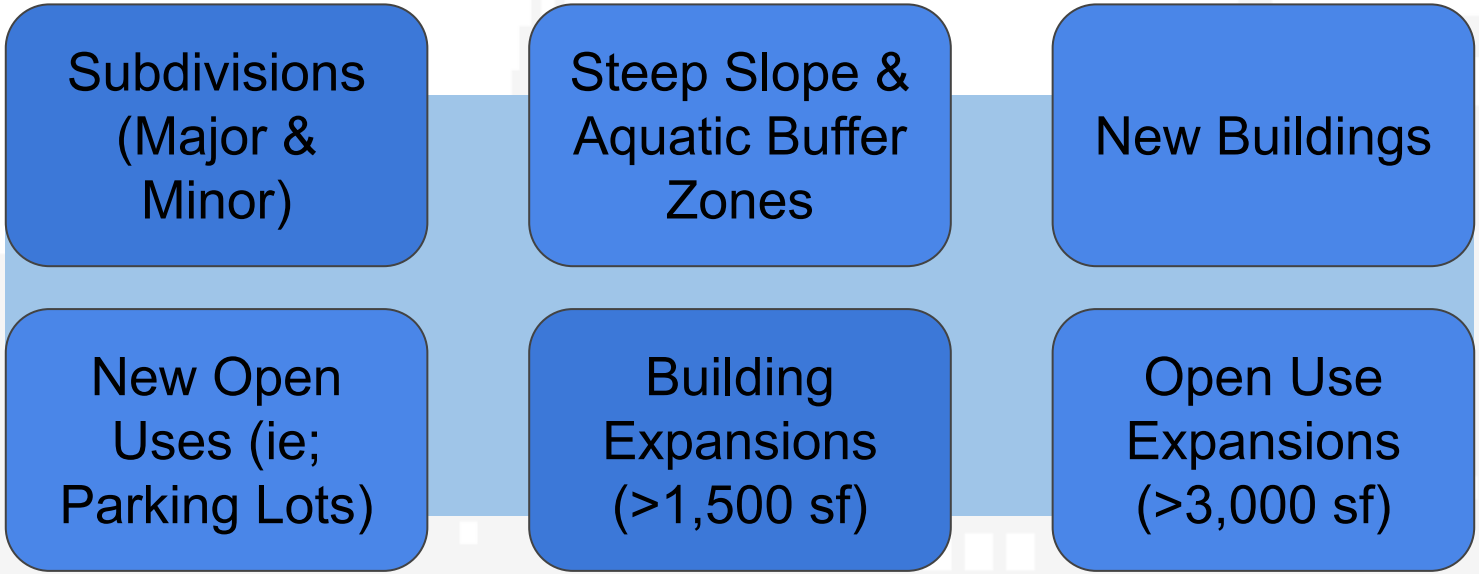
- **Allows trees preserved for other UDO requirements to be used.**
- Replaces ground area based Tree Save requirements.
- Requires permits for future removal of trees in the Tree Canopy Preservation Areas.
- Allows for multiple methods of calculating existing canopy.
- Incentivizes preservation over replanting with measurement flexibility and lower total canopy requirements.
- Multiple methods of compliance are available.

Associated Tree Changes

Street Trees: Introducing requirement for developer to maintain for a period of two (2) years after CO.

Speculative Grading: Introducing changes to disallow mass grading (including tree removal) on sites without an approved development plan.

Applicability



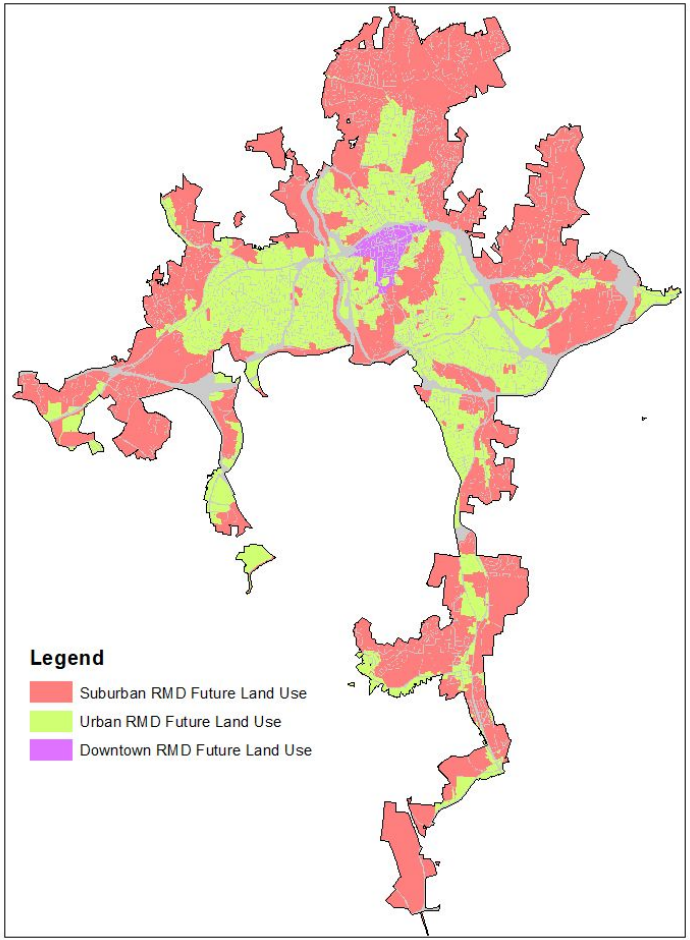
Stakeholders and Engagement

- Urban Forestry Commission
- Development Customer Advisory Group
- Sustainability Committee
- Planning & Economic Development Committee
- Downtown Commission
- Chamber of Commerce
- Greenworks Webinar

Key Elements

- Resource Management Districts
- Canopy Classifications
- Canopy Preservation Requirements
- Flexibility

Resourc Districts



Canopy Requirement Classification

Table 7-19.1 | Tree Canopy Requirement Classification			
Land Use	**Resource Management District**		
	Downtown	**Urban**	**Suburban**
Residential Subdivision	Class A	Class C	Class C
Multi-Family & Office	Class A	Class B	Class C
Institutional	Class A	Class C	Class C
Commercial	Class A	Class B	Class C
Industrial	Class A	Class B	Class C

Canopy Requirement

Table 7-19.2 | Class Based Canopy Requirement, Classes A & B*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%

*Percentages not shown on this table are rounded down to the nearest whole entry.

Canopy Requirement

Table 7-19.2 | Class Based Canopy Requirement, Classes A & B*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class B	10%	0%	10%
	8%	3%	11%
	6%	6%	12%
	4%	9%	13%
	2%	12%	14%
	0%	15%	15%

*Percentages not shown on this table are rounded down to the nearest whole entry.

Canopy Requirement

Table 7-19.3 | Class Based Canopy Requirement, Class C*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class C, Sites with 76-100% existing canopy coverage	15%	0%	15%
	12%	6%	18%
	9%	12%	21%
	6%	18%	24%
	3%	24%	27%
	0%	30%	30%

Table 7-19.3 | Class Based Canopy Requirement, Class C*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class C, Sites with 41-75% existing canopy coverage	15%	0%	15%
	12%	5%	17%
	9%	10%	19%
	6%	15%	21%
	3%	20%	23%
	0%	25%	25%

*Percentages not shown on this table are rounded down to the nearest whole entry.

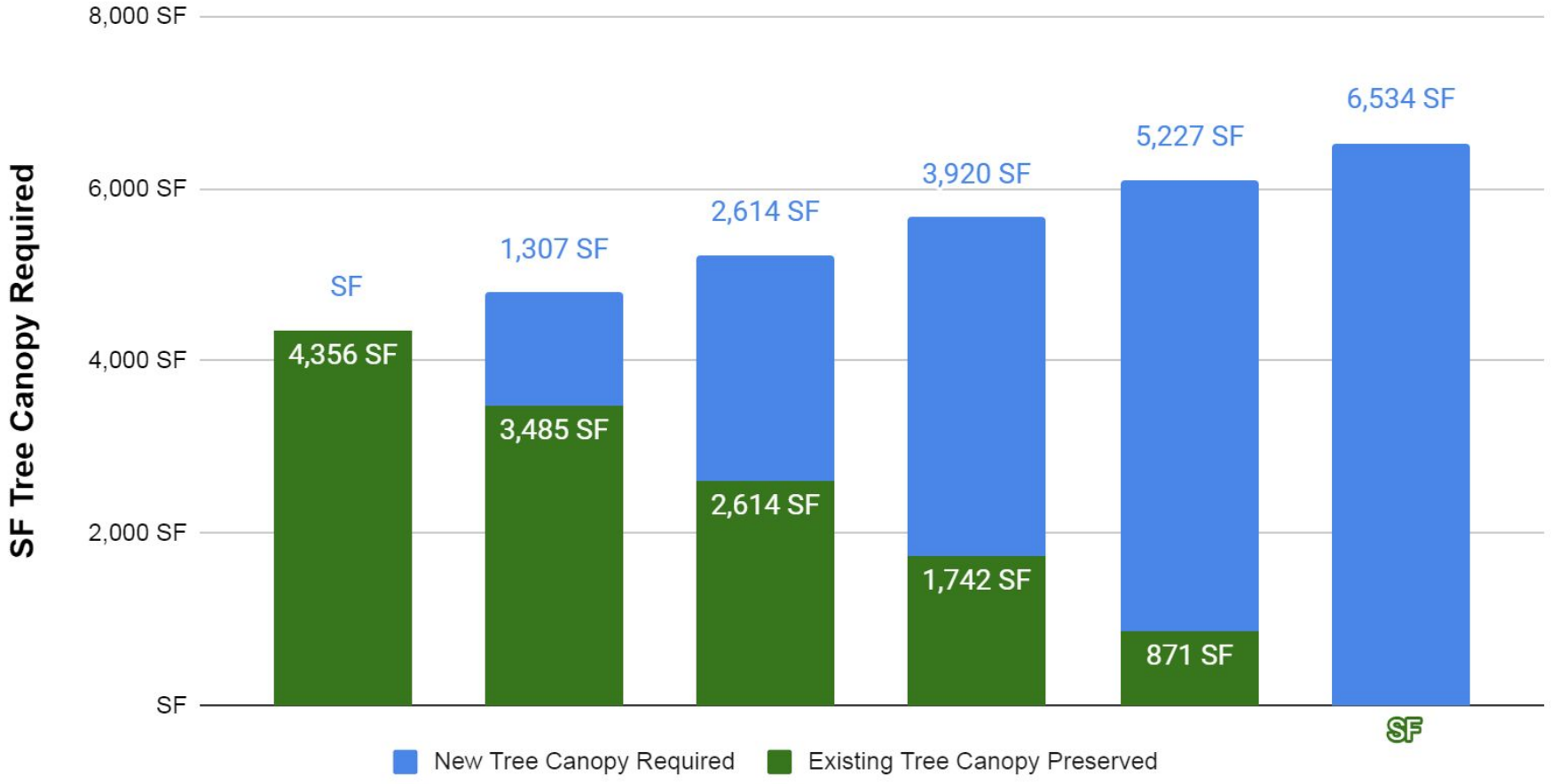
Canopy Requirement

Table 7-19.3 | Class Based Canopy Requirement, Class C*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class C, Sites with 0%-40% existing canopy coverage	15%	0%	15%
	12%	4%	16%
	9%	8%	17%
	6%	12%	18%
	3%	16%	19%
	0%**	20%	20%**

*Percentages not shown on this table are rounded down to the nearest whole entry.

Tree Preservation vs. New Tree Canopy Options



Calculating Tree Canopy Credits

Table 7-19.4 | Tree Canopy Credit for **Preserved Trees**

DBH	Size Classification*	Canopy Credit
Over 10 inches	Large	1,600 sq ft
	Medium	900 sq ft
	Small	400 sq ft
3 inches to 9 inches	Large	960 sq ft
	Medium	576 sq ft
	Small	142 sq ft
1 ¾ inches to less than 3 inches	Large	720 sq ft
	Medium	432 sq ft
	Small	106 sq ft

Table 7-19.5 | Tree Canopy Credit for **Newly Installed Trees**

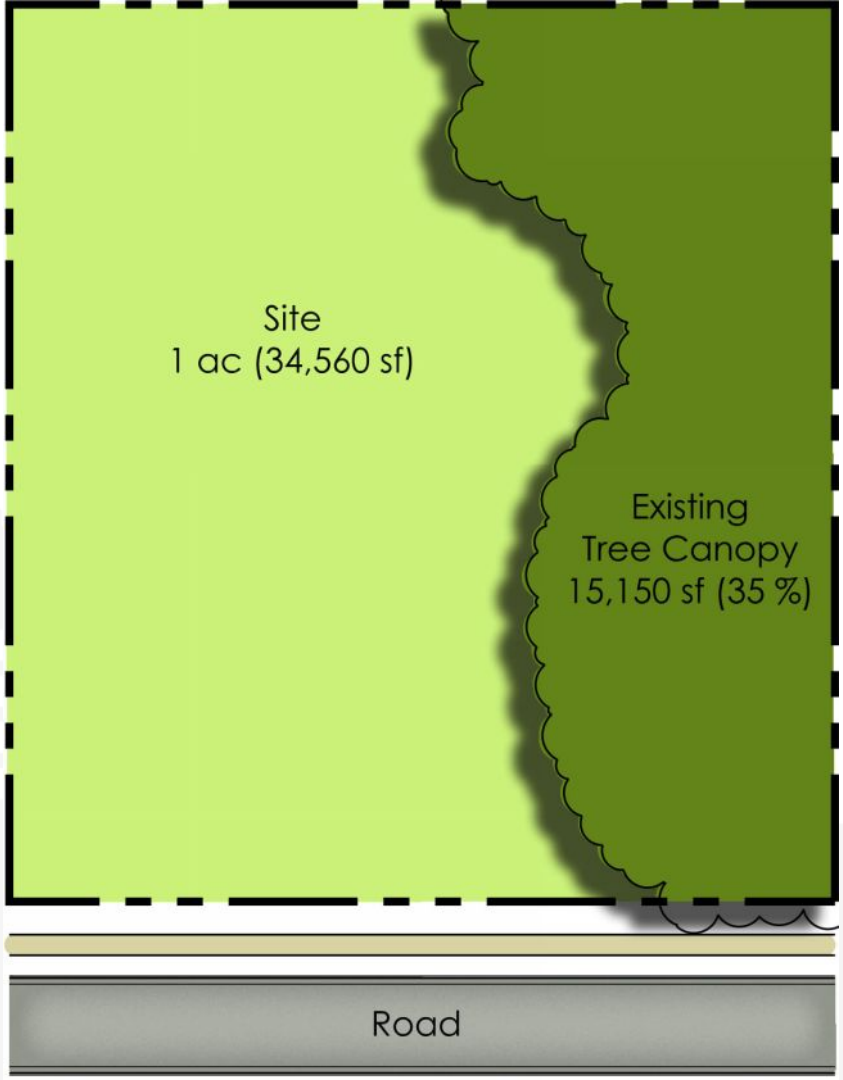
Size Classification*	Canopy Credit
Large	560 sq ft
Medium	315 sq ft
Small	140 sq ft

Existing Conditions

Suburban RMD

35% Existing Canopy

Commercial Use

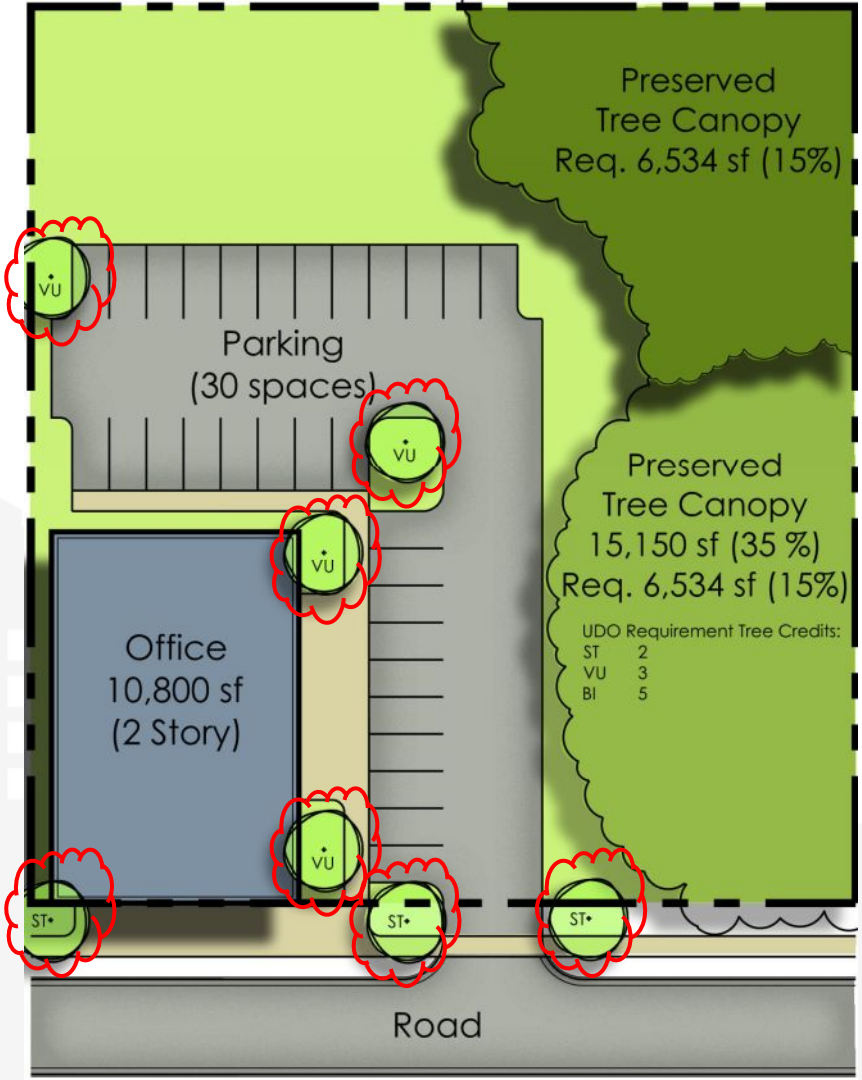


Full Canopy Preservation

Suburban RMD

35% Existing Canopy

Commercial Use

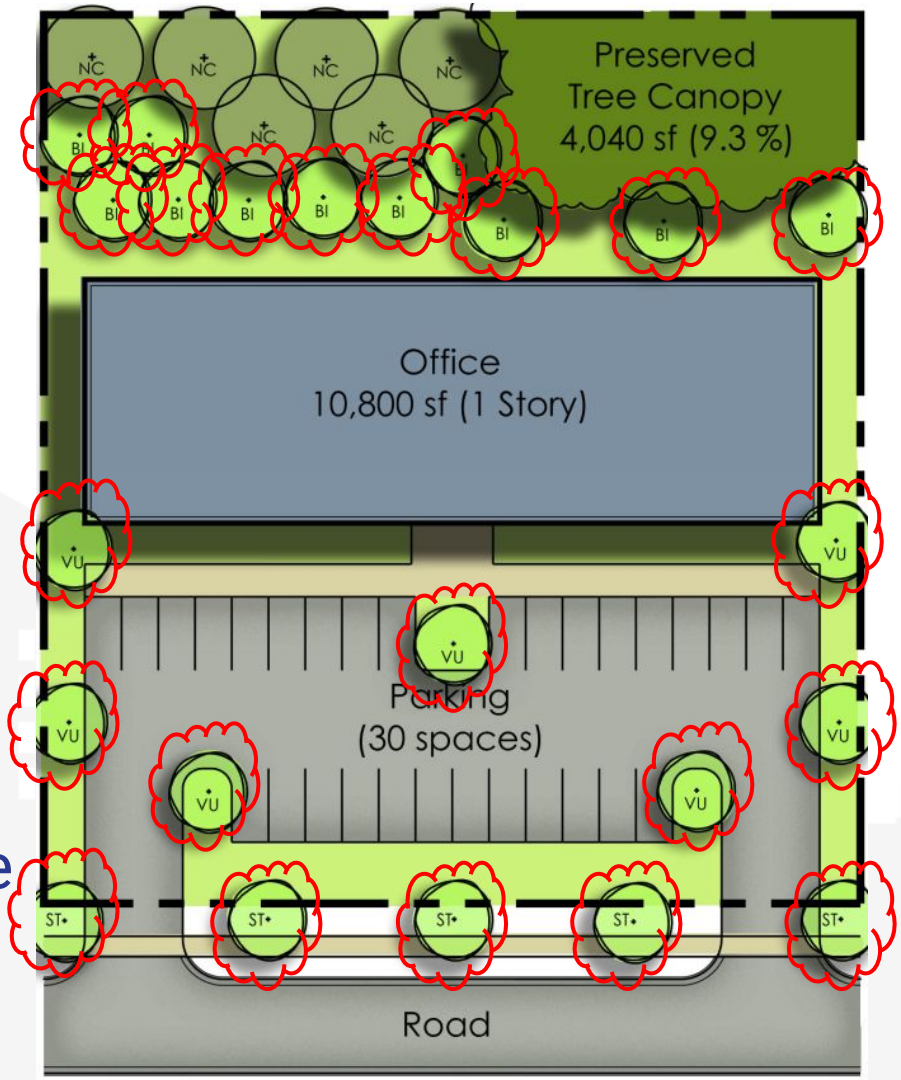


Partial Canopy Preservation

Suburban RMD

35% Existing Canopy

Commercial Use

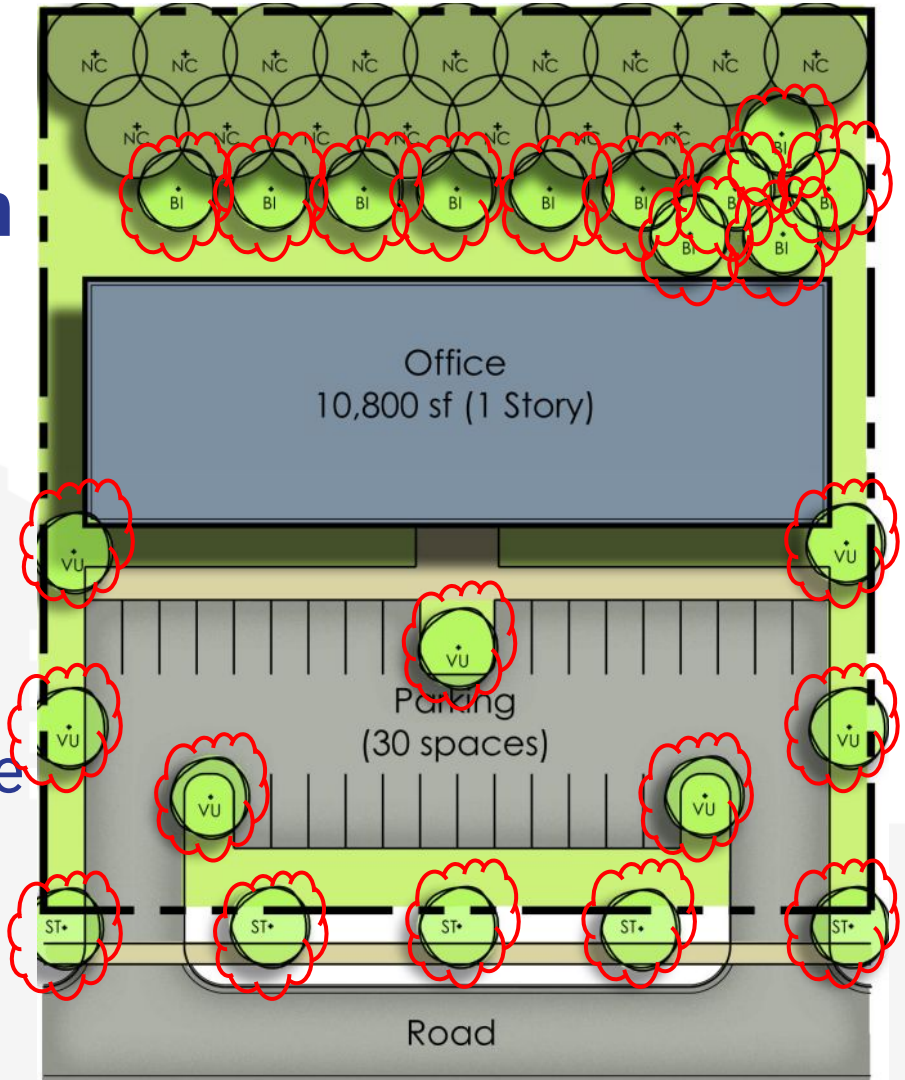


No Canopy Preservation

Suburban RMD

35% Existing Canopy

Commercial Use



Payment-in-Lieu of Planting

Allowed Only for New Tree Canopy Installation Requirements

Table 7-19.2 | Class Based Canopy Requirement, Classes A & B*

Canopy Requirement Class	Existing Tree Canopy Preserved	New Tree Canopy Installation Required	Total Tree Canopy Required
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%

Payment-in-Lieu of Fee Determination

Three Components:

- **Average Per Square Foot Land Cost within Resource Management District**
- **Average Cost of Tree Installation Per Square Foot of Tree Canopy**
- **Administrative Fee to Cover Cost of Administration of Fee-in-Lieu Program**

Payment-in-Lieu of Planting

Site Address	Example Site
Site Area	**43560**
Resource Management District	Suburban
Land Use	Multi-Family & Office
Payment In Lieu Requested SF	**8712**

	Payment in Lieu Amounts
	Suburban
Land Fee	$30,840
Administration Fee	$2,178
Tree Installation Fee	$6,534
Total Fee	**$39,552**

Table 7-19.3 | Class Based Canopy Requirement, Class C***

Canopy Requirement Class	**Existing Tree Canopy Preservation Requirement**	**New Tree Canopy Installation Requirement**	**Total Tree Canopy Requirement**
Class C, Sites with 0%-40% existing canopy coverage	6,534	0	6,534
	5,227	1,742	6,970
	3,920	3,485	7,405
	2,614	5,227	7,841
	1,307	6,970	8,276
	0	8,712	8,712

Payment-in-Lieu of Planting

- Funds must be used in the Resource Management District where collected.
- Funds must be tied to installation, administration and maintenance of the City's tree canopy.
- Opportunity for equitable maintenance and distribution of tree canopy.

Planning & Zoning Commission Concerns

- Increased Development Cost Overall.
- Increased Development Cost on Affordable Housing.
- Possible Barriers to Constructing Density in the Downtown Area.

Planning & Zoning Commission Concerns

- Increased Development Cost Overall.
  The new requirements may increase development costs. Staff was unable to create requirements to preserve tree canopy that would eliminate have this possible effect.

Planning & Zoning Commission Concerns

- Increased Development Cost on Affordable Housing.
- Analysis of LUIG projects:
  - Some projects qualify as planned or approved. All are likely to be able to comply through planting or preservation without opting for the fee-in-lieu due to preservable trees and available planting space.
  - Access to shade and canopy is needed for residents at all housing cost levels.

Planning & Zoning Commission Concerns

- Possible Barriers to Constructing Density in the Downtown Area.
    - Compliance could be achieved with no fee for many downtown projects without reducing plans for density.
        - Coxe/Asheland Development*
        - Collier Avenue Apartments*
        - 251 Short Coxe Residential Development

*Affordable Housing Included

Feedback Cycle



- 8-12 Months
- Evaluate Results and Ordinance Effectiveness
- Incorporate New Recommendations such as Higher credit for “Heritage Trees”

Key Takeaways

- Creates a new predictable and flexible requirement to preserve, install or pay a fee-in-lieu of tree canopy for many development types.
- Provides heavy incentives to preserving valuable existing tree canopy over planting new canopy or paying a fee.
- Applies requirements for shade and canopy to all developments within the City outside of one and two family residential units.

Requested Action

Staff requests that Council adopt the proposed Tree Canopy Protection Ordinance (Article XIX of the UDO) and the associated fee and zoning actions.