

**19AMEND1003**

# **TREE CANOPY AMENDMENTS**



**Planning and Zoning Committee**

**August 27, 2019**

# Request(s)

- Amend the Land Development Code as it relates to trees and tree canopy

# Case Summary

- Metro Council Resolution
- Planning Committee
- Highlights:
  - Not permitting an application to be filed for a development where tree removal has occurred within two years prior to the application.
  - Sites that are 50% to 100% covered in existing tree canopy are required to preserve 20% of that canopy.
  - Existing canopy preserved receives 2 times the credit
  - Tree canopy provided for suburban form districts only
  - Planted trees receive full canopy credit for each tree.
  - Reduction in the minimum caliper tree required to be planted to 1 ½” caliper (does not apply to street trees).
  - Tree removal permit for non-residential and multi-family sites where a landscape plan was/is required.
  - Street trees required for all uses.

# Amendments: Chapters 1, 5, & 9

- **Definitions 1.2.2:**
  - Update TPA and TCPA language to 2016 approved changes
- **Streetscape 5.8.3:**
  - Replaced language regarding who reviews right of way street trees
- **Parking Reduction 9.1.3:**
  - Added language giving a 20% reduction in parking with increased tree canopy and tree planting

# Amendments: Chapter 11

- Added language regarding tree removal prior to application (11.4.4 & 11.5.A.4)
  - No application where 20%+ tree removal has occurred within twenty-four (24) months prior to application
  - No tree removal between application submittal and final approval
  - An affidavit is required by the land owner

# Amendments: Chapter 10.1.3

- **Methods of Compliance**
  - Increased the availability of the fee in lieu
  - Altered the language to permit the Planning Director or designee to determine amount

# Amendments: Chapter 10.1.4

- **Tree Canopy Standards:**
  - Added Language requiring tree preservation:
- Sites with 50% to 100% coverage in existing tree canopy required to preserve 20%
- 20% requirement will not apply to GDDP and Preliminary Subdivision Plans approved prior to regulation
- A reduction to 10% is permitted if approved by the Planning Director or designee under the following conditions:
  - The applicant may pay a fee in lieu in an amount as determined by the Planning Director or designee, to a designated tree account for the amount at a ratio of 1.5 trees per lost tree equivalency.
  - The applicant submits a justification statement outlining why the site cannot meet the 20% requirement.



# Amendments: Chapter 10.1.4

- Tree Canopy Standards:
  - Replaced Tree Canopy Tables:

Table 10.1.1 Tree Canopy

Land Use	Suburban Form Districts
Single- Family Residential	40%
Multi-Family and Office	35%
Institutional	35%
Commercial	35%
Industrial *	25%

\*Industrial land uses are eligible for a 5% reduction in required tree canopy when a reduced heat island green technology is used on the site (green roofs or cool roofs on all buildings, cool pavement for all vehicle use areas, or other heat island reducing technology as approved by the Planning Director or designee)

- Traditional and Downtown only require street trees
- Removed tree canopy reductions



# Amendments: Chapter 10.1.5

- **Calculation:**

- Removed canopy bonus for street trees
- Existing treed areas preserved will be given 2 X canopy credit
- Replaced Tree Credit table:

Table 10.1.3 Deciduous Tree Canopy Credit		
Caliper	Tree Type**	Amount of Credit (per tree)
1 ½ " to less than 6" caliper	Type A	<b>1,200 sq. ft.</b>
6" to less than 12"	Type A	<b>1,500 sq. ft.</b>
12" to less than 24"	Type A	<b>1,800 sq. ft.</b>
24" and over	Type A	<b>2,100 sq. ft.</b>
1 ½ " to less than 6" caliper	Type B	720 sq. ft.
1 ½ " to less than 6" caliper	Type C	177 sq. ft.

# Amendments: Chapter 10.1.8

- **Tree Removal Permit:**
  - Added language: A tree removal permit is required for the removal of existing trees on non-residential and multi-family development sites where landscaping and tree canopy were/are required. (see Appendix 10E)

# Amendments: Chapter 10.1.9

## ■ Waivers:

- Added language for tree preservation waiver:
- Required Findings; in granting a waiver from 10.1.4 (20% Tree Preservation Requirement), The Planning Commission or designee must find that:
  1. The waiver is in compliance with the Comprehensive Plan.
  2. The applicant made a good faith effort to preserve as many trees as possible on the site, and within the adjacent right of way; and
  3. There are other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district.

# Amendments: Chapter 10.2.8

- **Street Trees:**
  - Modified language:
  - Street trees required for all land uses along all public rights of way
  - Reduction in tree spacing equivalency (consistent with Public Works standards)
  - Spacing can be further reduced depending on tree type and canopy

# Staff Finding

- Complies with Plan 2040:
  - Community Form 3 Guidelines 7, 8, and 9
  - Livability 1 Guidelines 2, 5, 7, and 41

# Public Meetings

- **Community Meetings:**
  - October 30, 2018, November 13, 2018, November 27, 2018, December 4, 2018, & December 11, 2018
- **Planning Committee:**
  - January 29, 2019, February 25, 2019, March 11, 2019, April 8, 2019, & May 28, 2019
- **Planning Commission:**
  - June 20, 2019 & July 24, 2019

# Existing Canopy Chart

Table 10.1.1 Tree Canopy

Land Use	Form District			
	Downtown, Traditional Marketplace Corridor, Traditional Workplace, Town Center	Traditional Neighborhood	Regional Center, Suburban Marketplace Corridor, Neighborhood, Suburban Workplace, Campus	Village
Single-Family Residential	Class A	Class B	Class C*	Class D
Multi-Family and Office	Class A	Class B	Class C	Class D
Institutional	Class A	Class B	Class C	Class D
Commercial	Class A	Class A	Class C	Class C
Industrial	Class A	Class A	Class C	Class C

\* Docket No. 9-26-03; see website for adoption status outside Louisville Metro

Class Canopy Requirement per Table 10.1.1	Preserved Tree Canopy Coverage Area	New Tree Canopy Coverage Area	Total Tree Canopy Coverage Area Required
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%
Class B	10%	0%	10%
	8%	3%	11%
	6%	6%	12%
	4%	9%	13%
	2%	12%	14%
	0%	15%	15%
	Class C If site is 76%-100% covered in existing tree canopy	15%	0%
12%		6%	18%
9%		12%	21%
6%		18%	24%
3%		24%	27%
0%		30%	30%
Class C If site is 41%-75% covered in existing tree canopy	15%	0%	15%
	12%	5%	17%
	9%	10%	19%
	6%	15%	21%
	3%	20%	23%
	0%	25%	25%
Class C If site is 0%-40% covered in existing tree canopy	15%	0%	15%
	12%	4%	16%
	9%	8%	17%
	6%	12%	18%
	3%	16%	19%
	0%	20%	20%



# Proposed Amendments

- Back to 50' spacing equivalency
- 2 year look back for Zoning and CUP (disclosure agreement?)
- Fee in Lieu money, where does it go?
- Clarification of 20% preservation