

**Suggestions to amend various aspects of the Tree Protection ordinances  
October 25, 2022 Planning Commission Meeting**

1. Once changes below are considered, and hopefully adopted, to then incorporate the tree protection ordinances directly into the town's zoning ordinances. (In effect, combining, clarifying and coordinating paragraphs 93.30-93.99 and 153.060-153.070)
2. Within overall tree ordinances of 93.00-93.99, we propose to create separate provisions (or sections) for Residential vs. Non-residential lots with each to have specific and occasionally different tree ordinances.
3. Residential could be further separated into new construction and existing residences. New construction would also include existing dwellings that request changes of over 15% of the existing roof coverage, any estimated cost of over \$100,000 or any significant movement from the existing footprint from the current dwelling.
4. Non-residential could be further separated into two categories:
  - a) Commercial - such as those along Hendersonville Road, and
  - b) Large Multi-structure, unique usage lots to include the Biltmore Forest Country Club (BFCC), Carolina Day School and MAHEC. This could also include future Planned Unit developments or other large lot development.

These suggestions allow for differentiated requirements to be more easily developed, implemented, regulated, and amended based on the different and often unique land usage within the town. And at the same time, we recommend reaffirming the intention outlined currently in 93.30; that is to strictly control (and limit) tree and buffering removal "along the roads and around the perimeter of lots" - which is further addressed in 153.034.

A few examples of these changes could include:

1. Increasing the tree and buffering replacement requirements for the removal of trees within a setback or along on a lot line or roadway. These requirements could include specifying the number, size, type and location of replacement trees
2. Regarding a location and unique land usage such as the BFCC, while we would maintain the strict requirements as mentioned above, I suggest providing more flexibility for the amount and location of trees that are well outside of those above parameters. Specifically for tree removal from anywhere over 75 feet from any contiguous lot line, setback, or roadway (such as between fairways) the tree replacement guidelines would be different. (Providing for more flexibility on how many and where those trees would be replanted. Perhaps a further option could be to allow a portion of the replacement trees to be planted on public parkland within town.)

This kind of logic would be applied to CDS or MAHEC or any other future large multi structure, multi-use lot.

3. Enhance and increase the number of replacement tree charts as shown in 93.38(a). Currently the chart only differentiates by tree size and whether protected or not. Enhancements could include:

- a) Having a different chart for the four different land uses specified above
- b) Having different (increased) replacement requirements when a tree is in a setback, along a roadway or lot perimeter.
- c) Increasing both the size (DBH) and number of replacement trees the bigger the removed trees were
- d) Perhaps designate species of replacement trees, inventing certain types.

4. Require both a preliminary as well as final landscaping plan, as well as a grading plan, before construction begins and to allow for inspection and adherence once the project is completed and approved.

Suggested tree placement charts provided separately.