



Tree Protection Bill BL2022-1409

Lead Sponsor: Council Member Kathleen Murphy

Co-Sponsors: CM Hancock, CM Hausser, CM Bradford, CM Styles, CM Syracuse, CM
Rutherford, CM Druffel, CM Roberts, CM Benedict, CM Allen

Why This Legislation?

Nashville continues to be one of the fastest growing cities in America, but we're losing something important.

- From 2008 – 2016, Davidson County lost almost **1,000 acres** of trees
- That was **13% of our tree canopy**
- In the ensuing six years, the pace of development has increased.

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What Is Needed

Legislation that does not inhibit growth but DOES protect trees.

The Tree Protection Bill is designed to work seamlessly with Nashville's existing ordinances, providing increased protection to Nashville's tree canopy.

Nashville Needs Trees

Trees are Green Infrastructure

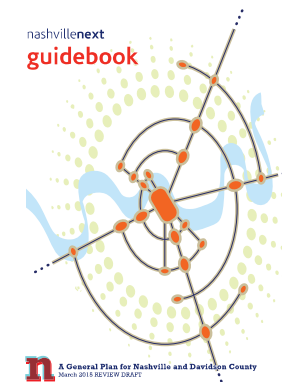
- Improve air quality
- Manage stormwater – reduce flooding
- Support public health
- Shade - Mitigate 'heat island' effect
- Provide wildlife habitat
- Offset carbon emissions
- Increase quality of life for Nashvillians and visitors

The Opportunity

The Metro Code: Our vehicle to strengthen the protection of tree. *Needs updating.*

Multiple plans for Nashville's future have identified tree protection as a priority for our city.

NashvilleNext survey: “preservation of the urban forest” among citizens' top priorities





This report outlines a range of recommendations and actions for Nashville to reduce its contributions to climate change and at the same time **ensure a healthy, prosperous and resilient future.**



Tree-specific actions:

- Demonstrate Metro's commitment to preserving and growing our tree canopy.
- Strengthen codes, standards and right-of-way treatment for trees.
- Convene a group to develop new financing streams and mechanisms that engage external partners for funding and implementation to support planting and maintenance of the urban tree canopy.

Land Use:

- Trees act as carbon sinks.
- Update the landscape code to require tree canopy preservation, align tree-density goals for specified land-uses, and increase tree preservation requirements.

Benefits of Proposed Legislation

1. Does **not** affect the average homeowner.
2. Increases urban tree planting without creating unreasonable standards (less strict than Franklin/Williamson), aligning Nashville with neighboring and peer cities' standards.
3. Updates maintenance requirements for newly-planted trees
4. Makes tree removal safer for citizens living near infill development.
5. Does **not** limit development entitlements or housing density.
6. Offers incentives for retaining natural resources on developable land.
7. Increases liability coverage for businesses, efficiencies and transparency of the permitting processes.
8. Strongly incentivizes protection of "Heritage Trees," or old, large trees.
9. Adds balance and accountability to clearcutting practices.



Modernize Landscaping Code

- Raises liability and insurance coverage for tree care/removal.
- Authorizes Urban Forester to revoke or refuse work permits for unprofessional conduct, with the right to appeal.
- Prohibits professionals from topping trees creating hazardous living conditions for nearby residents

Signage Requirements & Boundary Tree Notifications

- Retains the existing requirement that property owners apply for a tree removal permit if they plan to remove trees; average homeowners now exempt.
- Trees would not be removed until the development plan is approved by Metro.
- When a tree removal permit has been approved, bright yellow signage is posted stating "TREE REMOVAL"; alerts neighbors to trees being removed nearby, helping to ensure safety of the nearby public.
- To protect adjoining property owners from undue hardship and the cost of avoidable lawsuits, this bill also proposes that when a property is developed with boundary trees, and one or more boundary trees are sought to be removed, the developing property owner must have a signed agreement with the neighboring property owner to remove a boundary tree(s).

Tree Density Requirements

Average
Homeowner
is Exempt

An important element of this legislation is increasing tree density requirements.

- TDU = Tree density unit
- The new law increases the baseline from 14 to 22 TDU for residential, which is equivalent to 44 two-inch caliper trees for a one-acre lot
- This does not include the building footprint exemption, which substantially reduces the TDU requirements in Nashville

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Heritage Trees

Average
Homeowner
is Exempt

Heritage trees currently have no protections in Davidson County – and **no meaningful incentives for preservation during development**. Nashville's peer cities have prohibitions or permitting requirements to prevent removal of heritage trees.

This proposal **does not prohibit nor limit removal of heritage trees**. Rather, it incentivizes preservation of heritage trees during development by giving trees a value and introducing the concepts of offsetting and flexibility.

The owner continues to have the right to remove heritage trees, but it places a value on the trees and incentivizes the owner to preserve the trees.

Heritage Tree Mitigation Example

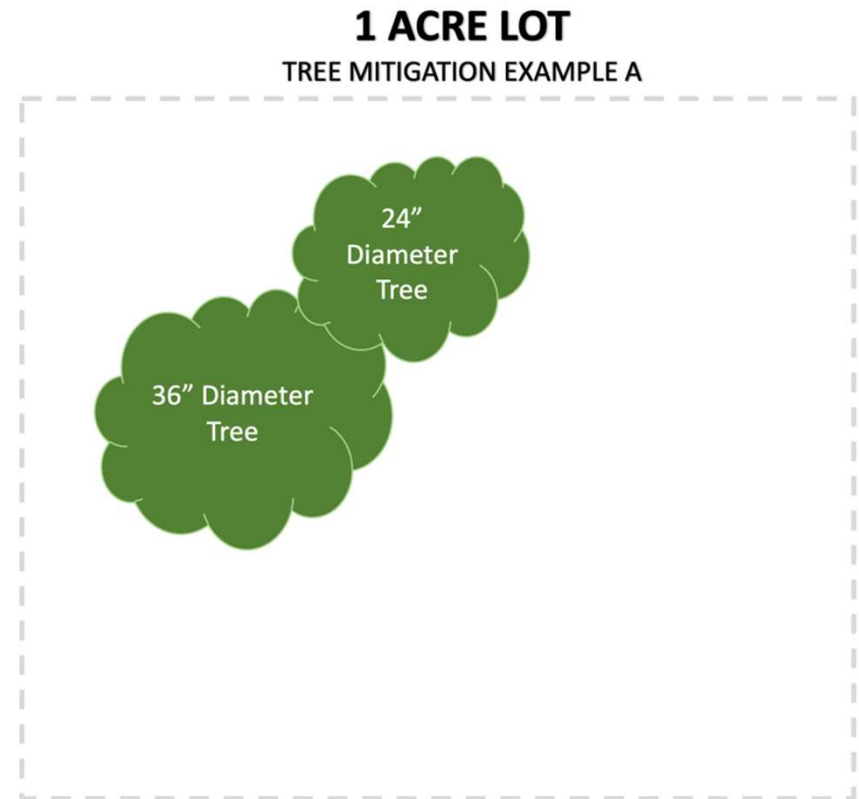
Scenario 1: Trees are protected through development

A 24" diameter heritage tree = 9.6 TDU credits

A 36" diameter heritage tree = 14.4 TDU credits

So, a one-acre lot with two trees of this size will have 24 TDU credits (exceeding the 22 TDU minimum). Therefore, if the trees were preserved, this property would be required to plant NO new trees.

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**Average
Homeowner
is Exempt**

Heritage Tree Mitigation Example

Scenario 2: All trees are removed for development

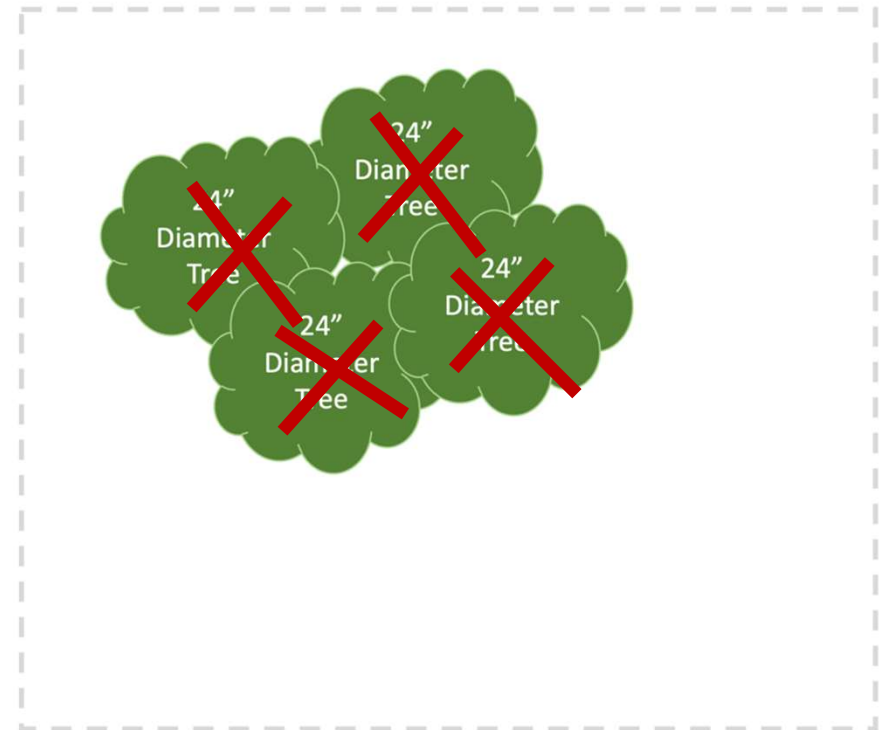
A 24" diameter heritage tree = 9.6 TDU credits

There are 4 x 24" diameter trees on the property (38.4 TDUs total)

If all trees are removed, this property is required to plant or pay into the tree bank the equivalent of 77 new trees (i.e. 38.4 TDUs) instead of the baseline 44 new trees (22 TDU).

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1 ACRE LOT TREE MITIGATION EXAMPLE B



**Average
Homeowner
is Exempt**

Clearcutting Limitations

This section borrows Franklin and Williamson County tree preservation standards, placed into an urban context to apply to Davidson County.

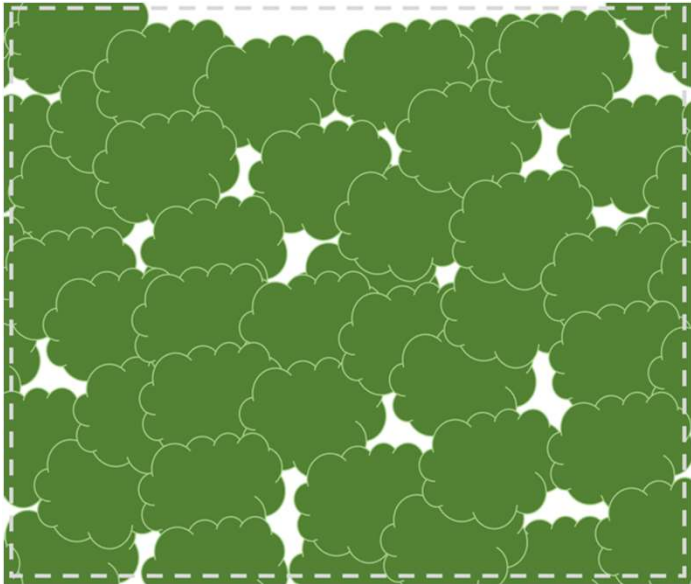
- Williamson County prohibits clearcutting on slopes greater than 25%, except driveways. Davidson County has no prohibition against clearcutting on slopes.
- Parcels of heavily forested land must retain a certain percentage of tree canopy as "Tree Save Areas."
- Designer has flexibility to choose the desired tree save area.
- Percentage canopy cover retained is determined by zoning of the property.

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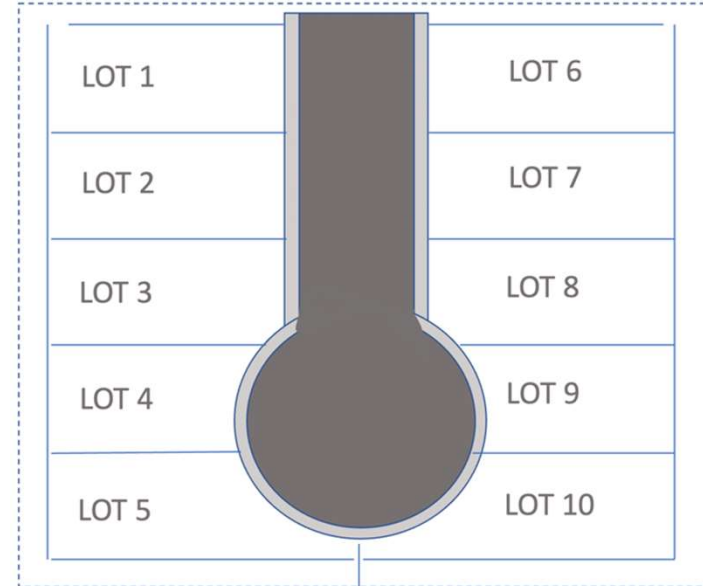
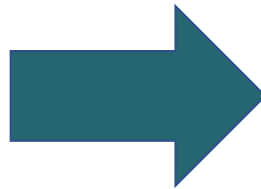


Clearcutting Scenario 1

100% forested 10-acre lot development in a suburban zone



100% Forested 10 Acre Lot



Existing code allows for total clearcutting

A diagram showing a U-shaped lot layout. The central U-shaped area is divided into four lots: LOT 7 and LOT 9 at the top, and LOT 8 and LOT 10 at the bottom. Surrounding this central area are six other lots: LOT 1 and LOT 2 on the left, LOT 6 and LOT 5 on the right, and LOT 3 and LOT 4 at the bottom. The bottom of the diagram is filled with green bushes. The entire layout is enclosed in a dashed rectangular border.

* Both scenarios utilize the new Conservation Development standards



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Partnering Organizations

This has been a team effort, more than a year in the making. Supporters include:

Nashville Tree Conservation Corps
Civic Design Center
Association of Landscape Architects (TN)
Southern Environmental Law Center
TennGreen Land Conservancy
Sierra Club Tennessee Chapter
Tennessee Native Plant Society
Tennessee Environmental Council
Harpeth River Conservancy

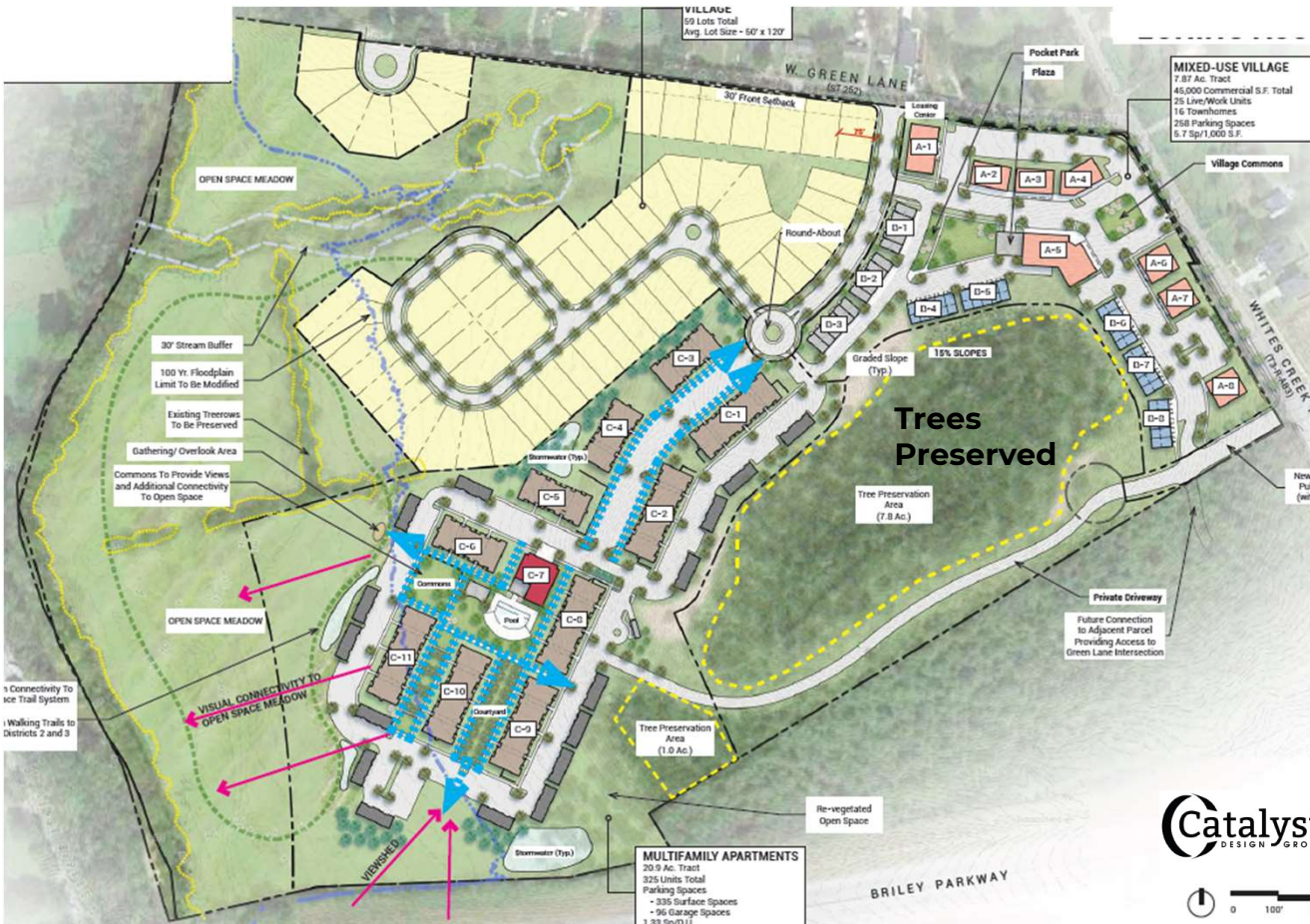
Radnor to River
The Tennessee Conservationist
Mill Creek Watershed Association
Wild Ones Middle Tennessee
Chestnut Group
12 South Neighborhood Association
Haynes-Trinity Neighborhood
Coalition
Friends of Whites Creek
Cane Ridge Community Club

Case Study #1



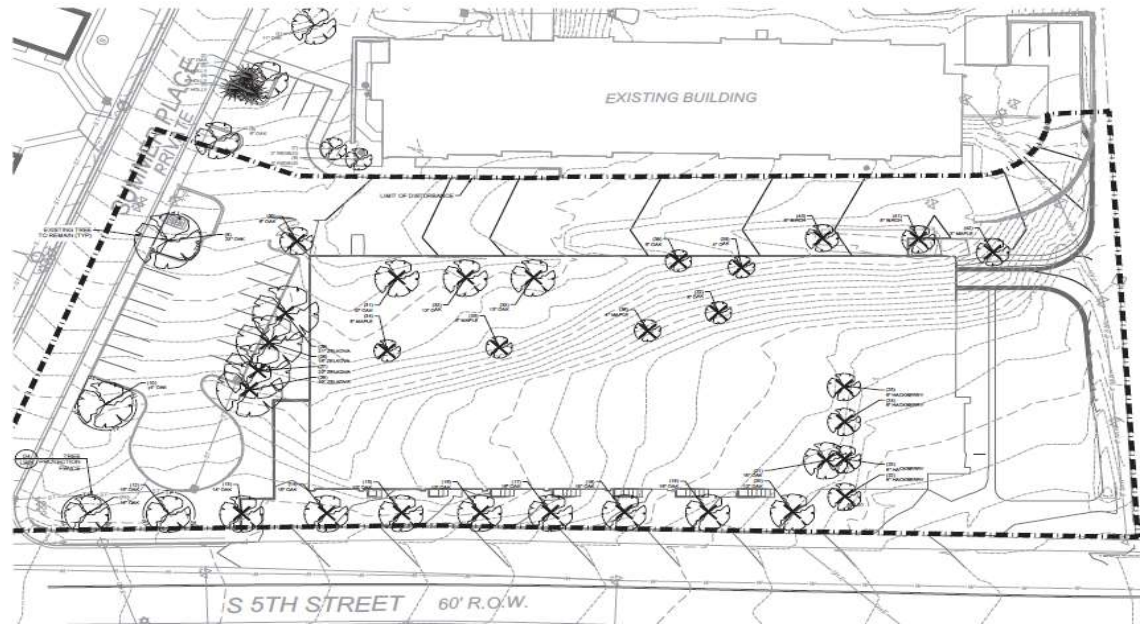
West Green Lane SP Mixed Use Development

- 78 total site acres
- 32 acres existing forest
- 14 acres forest preserved (44% of forest preserved)
- Compare to minimum 30% in BL2022-1409 [MUN-NS]
- **This plan easily exceeds the proposed requirements of BL2022-1409**



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Case Study #2



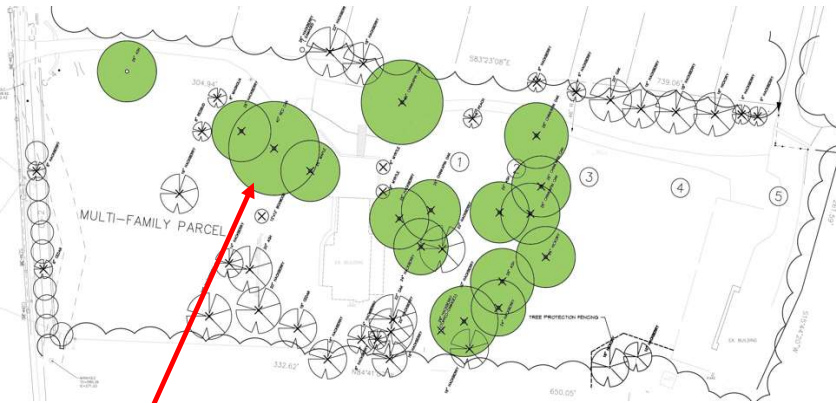
Envision Cayce: 5th and Summer: Multifamily Development

- Total existing trees: 34 (4 preserved [~12%])
- Total Heritage trees onsite: 0
- Credits for all 4 preserved trees: 19 TDU
- Credits for new trees planted: 17 TDU
- No debits for removed heritage trees: none removed
- Total required TDU (@22TDU/ACRE per code): **29 TDU**
- + 19 TDU + 17 TDU = **36 TDU provided at site**
- **BL2022-1409 does not change tree requirements at this site**



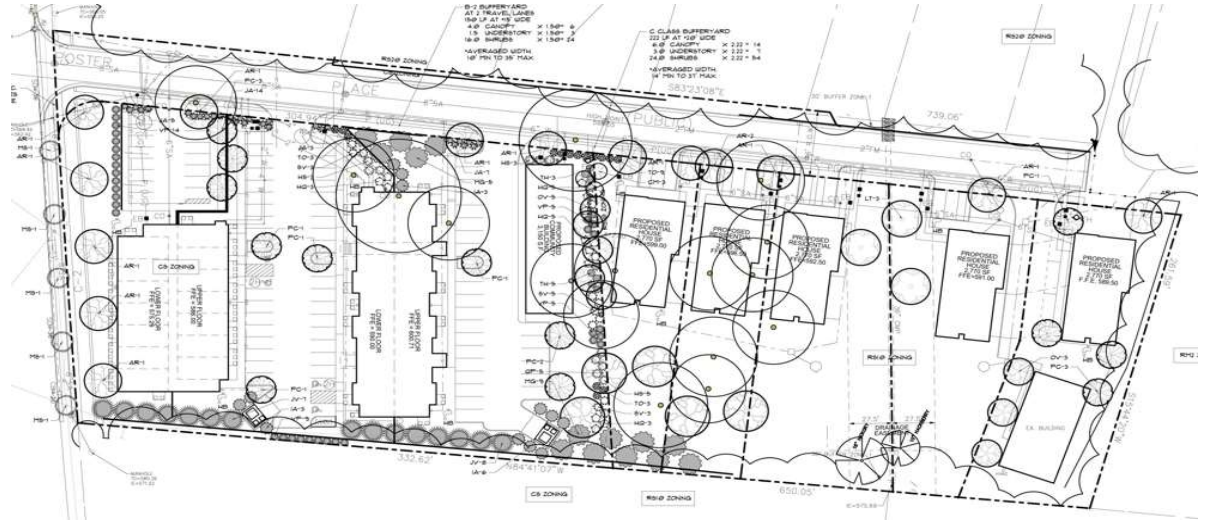
Case Study #3

Cumberland
landesign
Site Planning Landscape Architecture
tel 415.333.4636



Heritage Trees

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Woodbine Community Organization: Mixed Use

- Total existing trees: 56 (only 7 preserved [~13%])
- Total Heritage trees: 15 (4 can easily be preserved [27%])
- Credits for all 7 preserved trees: +75 TDU
- Debits for removing 11 heritage trees: -154 TDU
- Delta: offsetting required: +75 – 154 = **-79 TDU**
- Total required by TDU (@22TDU/ACRE per code): **71 TDU**
- **BL2022-1409 requires planting of 79 TDU; compare to current ordinance requirement of 71 TDU; this equals 8 additional TDU required (16 additional trees)**

Case Study #4



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Hearth and Haven SP: Multifamily Development

- ~45% of forest acres conserved (compare to proposed minimum 25% [RM9])
- Total existing trees: 1,014 (503 preserved [~50% of trees preserved])
- Total Heritage trees: 8 (3 preserved, 5 removed)
- Credits for all 1,014 preserved trees: 1624 TDU
- Debits for 5 removed heritage trees: 100 TDU
- Total required TDU (@22TDU/ACRE per code): **204 TDU**
- + 1624 TDU – 100 TDU = **1524 TDU at site**
- **The preserved trees fully compensate; no new tree plantings are required at this development to meet TDU under BL2022-1409**

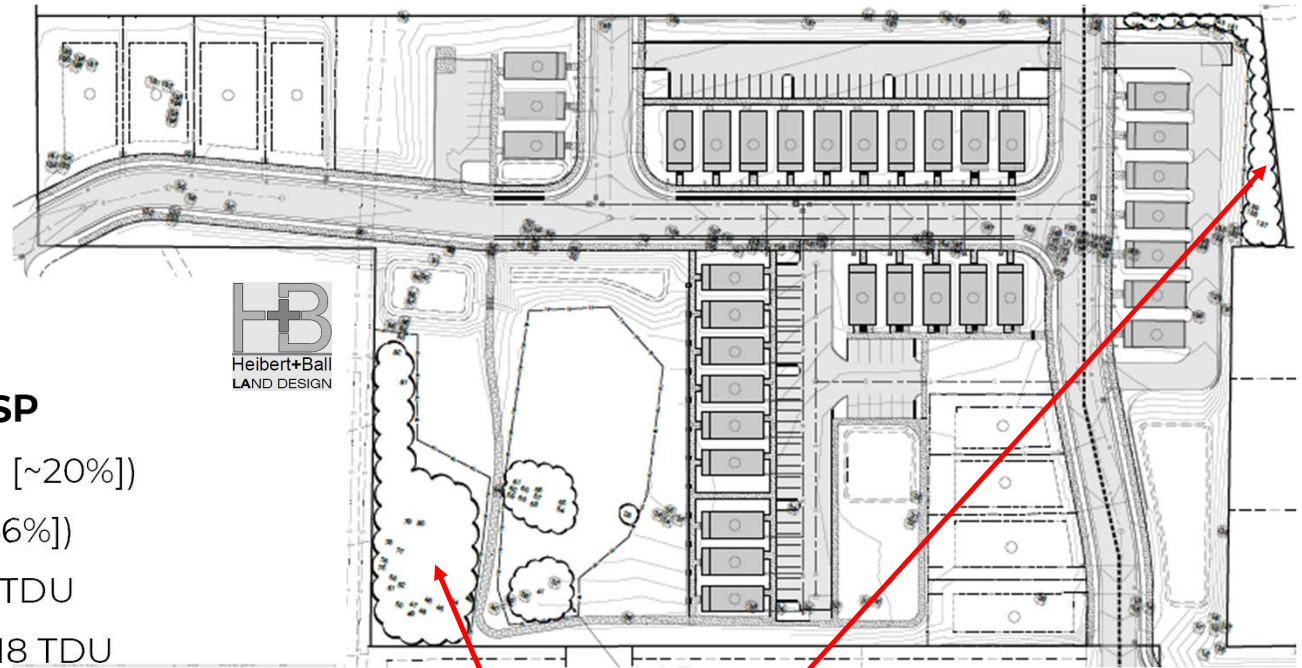
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Case Study #6

4927 Buena Vista Pike: Residential SP

- Total existing trees: 198 (39 preserved [~20%])
- Total Heritage trees: 3 (2 preserved [66%])
- Credits for all 39 preserved trees: +111 TDU
- Debits for removing 1 heritage tree: -18 TDU
- Delta: $+111 - 18 = +93$ **TDU provided**
- Credits for new trees planted: not required for TDU
- Total required by TDU (@22TDU/ACRE per code): **77 TDU**
- **The preserved trees fully compensate; no new tree plantings are required at this development to satisfy BL2022-1409**
- **BL2022-1409 does not change tree requirements at this site**



Trees Preserved in Tree Save Areas





Thank You!

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CM Syracuse, CM Rutherford, CM Druffel, CM Roberts, CM
Benedict, CM Allen