

ATAG's Concerns With Section 10.4



Issue 1: The 20% tree canopy requirement for one-family development is at risk

Background:

- The current **Article 5 – Residential (R) Districts** of the ACZO specifies requirements for one-family development (R5 – R-20).
- The new **Article 10.4 – Expanded Housing Option Development** specifies the requirements for the new “Missing Middle” multifamily housing.

Memorandum to LRPC and ZOCO states:

“If the draft ACZO amendments for expanded housing option development are adopted, the CBPO requirement for 20% canopy for one-family development would continue to apply to one-family development because the current R district regulations in Article 5 would not change.”

THIS STATEMENT NEEDS TO BE REVIEWED BY A LAND USE ATTORNEY TO ENSURE IT IS LEGAL.

The Code of Virginia 15.2-961:

- 10% tree canopy for a residential site **zoned** 20 or more units per acre
- 15% tree canopy for a residential site **zoned** between 10-20 or more units per acre
- 20% tree canopy for a residential site **zoned** 10 units or less per acre

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Issue 2: The “one tree per unit” policy results in fewer trees than the current 20% minimum for single family detached.

Background:

Proposed Section 10.4.6.E - On-site Trees:

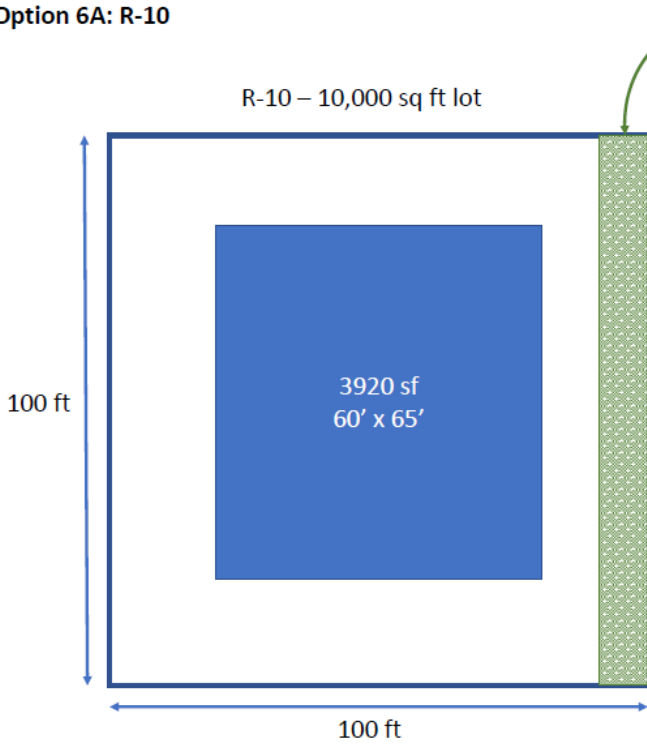
- Option 6A - 10% tree canopy or 1 tree per unit, which ever is greater
- Option 6B - 10% tree canopy on all lots

Memorandum to LRPC and ZOCO states:

“Depending on the specific development proposal (e.g., number of dwellings, site area, tree species), Option 6A would generally result in tree canopy coverage that is closer to parity with the CBPO requirement for one-family development.”

THIS STATEMENT IS INACCURATE.

Option 6A: R-10



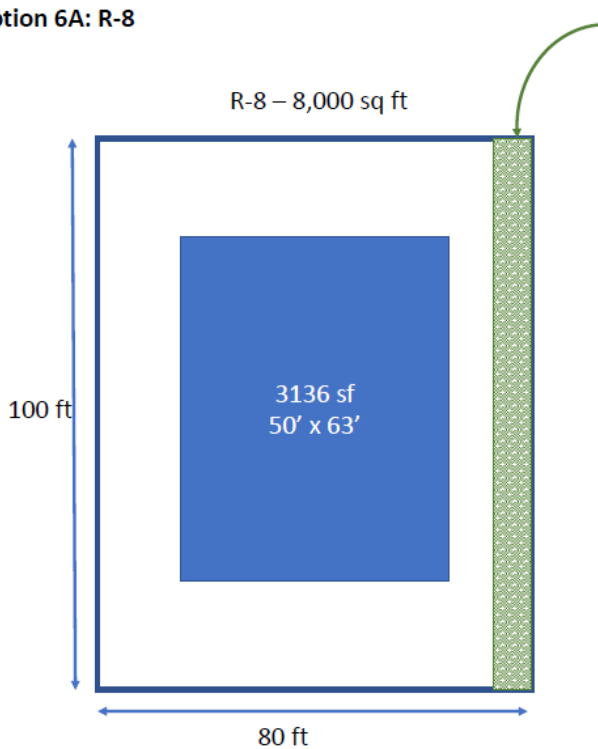
10,000 x 10% = **1,000** sf of tree canopy in 20 yrs.

3 med-large trees at 250 sf each	= 750 sf
2 med trees at 175 sf each	= 350 sf
Total:	1100 sf

One tree per unit:

- Single Family Detached: No trees above 10% required
- Duplex: No trees above 10% required
- Triplex: No trees above 10% required
- 4-plex: No trees above 10% required
- 5-plex: No trees above 10% required
- * **6-plex:** 1 additional tree required - **12% tree canopy**
- * **8-plex:** 3 additional trees required - **16% tree canopy**

Option 6A: R-8



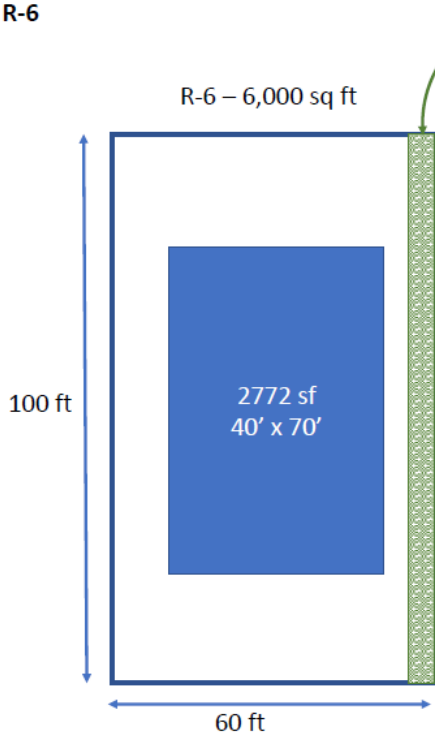
8,000 x 10% = **800** sf of tree canopy in 20 yrs.

3 med-large trees at 250 sf each	= 750 sf
1 small-med tree at 110 sf each	= 110 sf
Total:	860 sf

One tree per unit:

- Single Family Detached: No trees above 10% required
- Duplex: No trees above 10% required
- Triplex: No trees above 10% required
- 4-plex: No trees above 10% required
- * **5-plex:** 1 additional tree required - **12% tree canopy**
- * **6-plex:** 2 additional trees required - **14% tree canopy**
- * **8-plex:** 4 additional trees required - **16.5% tree canopy**

Option 6A: R-6



10% tree canopy

$6,000 \times 10\% = 600$ sf of tree canopy in 20 yrs.

2 med-large trees at 250 sf each	= 500 sf
1 small-med tree at 110 sf each	= <u>110 sf</u>
Total:	610 sf

One tree per unit:

Single Family Detached: No trees above 10% required

Duplex: No trees above 10% required

Triplex: No trees above 10% required

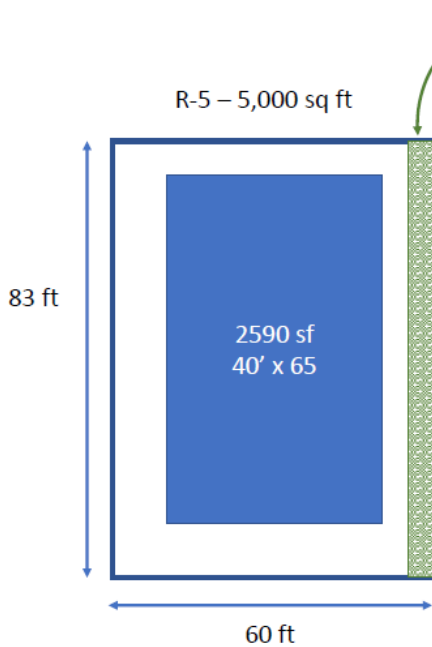
* **4-plex:** 1 additional tree required - **12% tree canopy**

* **5-plex:** 2 additional trees required - **14% tree canopy**

* **6-plex:** 3 additional trees required - **16% tree canopy**

* **8-plex:** 4 additional trees required - **17.5% tree canopy**

Option 6A: R-5



10% tree canopy

$5,000 \times 10\% = 500$ sf of tree canopy in 20 yrs.

1 med-large tree at 250 sf each	= 250 sf
3 small-med trees at 110 sf each	= <u>330 sf</u>
Total:	580 sf

One tree per unit:

Single Family Detached: No trees above 10% required

Duplex: No trees above 10% required

Triplex: No trees above 10% required

* **4-plex:** 1 additional tree required - **14% tree canopy**

* **5-plex:** 2 additional trees required - **16% tree canopy**

* **6-plex:** 3 additional trees required - **18% tree canopy**

* **8-plex:** 4 additional trees required - **20% tree canopy**

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Issue 3: The “one tree per unit” policy may not be legal.

Code of Virginia section 15.2-961 specifically states:

“J. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein.”

IS ADDING TREE REQUIREMENTS ON TOP OF THE 10% MINIMUM ALLOWED?