

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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TRANSMITTAL DELIVERED VIA EMAIL

January 3, 2018

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us December 19, 2017 and proposed for town public hearing on January 23, 2018:

- *An Ordinance Amending Town of Carrboro Land Use Ordinance Provisions Relating to Tree Protection, Shading and Canopy Requirements.*
- *An Ordinance to Amend the Town of Carrboro's Land Use Ordinance to Comply with New Statutory Requirements for Zoning Consistency Statements.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, DECEMBER 7, 2017

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO TREE PROTECTION, SHADING AND CANOPY REQUIREMENTS

Motion was made by Whittemore and seconded by Rosser that the Planning Board recommends that the Board of Aldermen approve the draft ordinance.

The Planning Board would welcome an expansion of the options for infill lots to include other methods of greening, such as: vines and other trailing plants, green roofs, or vertical plantings. We also recommend that a clear definition of "infill lot" be included or referenced.

VOTE:

AYES: (8) Adamson, Clinton, Foushee, Gaylord-Miles, Poulton, Rosser, Tiemann, Whittemore

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (1) Rivera

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Tiemann and seconded by Poulton that the Planning Board of the Town of Carrboro finds the proposed text amendment, is consistent with adopted plans and policies, such as the following provisions in *Carrboro Vision 2020* and reference to downtown identity in *Downtown Carrboro New Vision*:

2.23 The town encourages the planting of native plant species, as well as non-native species that are not invasive. Removal of invasive species is encouraged.

2.43 Carrboro should plan and encourage the growth of tree canopies over roads to mitigate the heat and smog effect caused by superheated pavement. Carrboro should strongly encourage the electric utilities to put their lines underground to allow for full canopy coverage.

3.21 The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:

- To double commercial square footage in the downtown from that existing in the year 2000. Attachment G- 3 of 6
- To accommodate additional square footage by building up, not out.
- To increase the density of commercial property in the downtown area.
- To improve the downtown infrastructure (e.g. parking facilities, sidewalks, lighting, tree shading) to meet the needs of the community.
- To develop transit and traffic initiatives which enhance the viability of downtown.

Downtown Identity – The Town should develop and adhere consistently to a streetscape and landscape master plan that establishes a planting scheme, etc.

Furthermore, the Planning Board of the Town of Carrboro finds that the proposed text amendment is reasonable and in the public interest because of the benefits that trees, shrubs and other plants provide to the community such as, providing oxygen and improving air quality, reducing heat island effect, maintaining the hydrologic cycle, providing pollen and nectar for pollinators and contributing to the vitality and character of the Town making it a more aesthetic and emotionally satisfying place in which to live, work and spend leisure time.

VOTE:

AYES: (8) Adamson, Clinton, Foushee, Gaylord-Miles, Poulton, Rosser, Tiemann, Whittemore

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (1) Rivera

Ralph F. Whittemore 1/19/18
(Chair) (Date)



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, MARCH 8TH, 2018

Land Use Ordinance Text Amendment Relating to Tree Provisions

Motion was made by Skelton and seconded by Sinclair that the EAB recommends that the Board of Aldermen approve the draft ordinance, with the following changes:

Section 15-317 Retention and Protection of Specimen and Rare Trees

Every development shall retain all existing specimen and rare trees unless the applicant demonstrates that a site would be unreasonably burdened. The applicant, in consultation with the land use administrator and a certified arborist, shall use the following criteria to evaluate the trees for the purpose of proposing which to retain;

- (4) The hardness of the tree **species** in question, including wind firmness, climatic requirements, susceptibility to insects and diseases;

The proposed wording:

~~“(c) No excavation or other subsurface disturbance may be undertaken within the Tree Protection Perimeter around any tree to be retained in accordance with (a) above, shall be limited to the minimum extent practicable as determined by a certified arborist. In addition, no impervious surface (including but not limited to equipment, paving, and structures) may be located within the Tree Protection Perimeter, either during construction or after completion of the development”. Encroachment into a tree perimeter as defined in 15-315(10) shall not, alone, provide sufficient grounds for tree removal.~~

Should be replaced with:

(c) No excavation or other subsurface disturbance may be undertaken within the Tree Protection Perimeter around any tree that is to be retained. In addition, no impervious surface (including but not limited to equipment, paving, structures, traffic, or material storage during construction) may be located within the Tree Protection Perimeter, either during construction or after completion of the development.

Commented [WU1]: We don't feel that a landscape professional is qualified to make such a determination.

Commented [WU2]: We prefer the wording in the first sentence to ensure that the soil under the dripline remains undisturbed. Mentioning encroachment could imply that encroachment is acceptable, with which we disagree.

Section 15-319 Tree Canopy Coverage Standards

(2) Replacement of canopy. If the existing protected tree canopy is less than the minimum standard as shown in Table 1, the deficit shall be made up by the planting of additional trees as provided herein:

~~(f) Landscaped areas with shrubs of at least 100 square feet on an infill lot in the B-1(C), B-1(G) or B-2 districts.)~~

Commented [WU3]: Developers have two options if they cannot meet the canopy requirement. We feel that these other options are sufficient and a lesser option of planting shrubs does not align with the intent of the canopy requirement.

"Section 15-321.2 Payment in Lieu of Providing Shade or Canopy Cover Trees

(b) The amount of the fee authorized by this section shall be determined by estimating the cost of providing the required trees (including the cost of the plant, labor for installation, and use of a land space in downtown Carrboro equivalent in value to that where the tree had been located) that meets the requirements of this Article. This determination shall be made annually and the fee shall be included in the Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen.

Commented [WU4]: We request that the Town craft language in the ordinance that best addresses the concern of how to place a value on land that would be necessary for a tree to be planted in the downtown area. This is what we're trying to get at with this wording.

(c) Any fees collected in accordance with this section shall be reserved and used exclusively to meet the purposes for which they have been obtained as specified above in subsection (a). The required fee shall be submitted to the Town prior to construction plan approval."

- Take out Sugar Maple from the recommended tree list and replace with Red Maple.

VOTE:

AYES: (O'Connor, Sinclair, Skelton, Turner)

ABSENT/EXCUSED: (Perera)

NOES: ()

ABSTENTIONS: ()

Associated Findings

By a unanimous show of hands, the Environmental Advisory Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Skelton and seconded by O'Connor that the EAB finds the proposed text amendment is consistent with adopted plans and policies, such as the following provisions in Carrboro Vision 2020 and the reference to downtown identity in Downtown Carrboro New Vision:

2.23 The town encourages the planting of native plant species, as well as non-native species that are not invasive. Removal of invasive species is encouraged.

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Furthermore, the EAB finds that the proposed text amendment is reasonable and in the public interest because of the benefits that trees, shrubs and other plants provide to the community such as, providing oxygen and improving air quality, reducing heat island effect, maintaining the hydrologic cycle, providing pollen and nectar for pollinators and contributing to the vitality and character of the Town making it a more aesthetic and emotionally satisfying place in which to live, work and spend leisure time.

VOTE:

AYES: (O'Connor, Sinclair, Skelton, Turner)

ABSENT/EXCUSED: (Perera)

NOES: ()

ABSTENTIONS: ()



For (Chair)

3/8/2018
(Date)