

**Meeting of the
Landscape Ordinance Committee**

Notes

February 17, 2020

The second meeting of the Landscape Ordinance Committee was held on Monday, February 17, 2020 at 3:00pm, in the HR Training Room, UG Level of the Melvin Municipal Office Building, 300 West Washington Street.

Present were Gerry Alfano, Kimberly Barb, Deborah Brown, Judson Clinton, Jason Combs, Deniece Conway, Debby Davis, Keith Francies, Jason Geary, Anna George, Sarah Healy, Terri Jones, Tim Knowles Christina Larson, Elizabeth Link, Jon Lowder, Nick Piornack, Mark Reaves, Dabney Sanders, Walker Sanders, Tori Small, Jeff Sovich, Judy Stalder

Meeting Notes

Elizabeth Link welcomed the committee at 3:03pm. Mrs. Link announced facilitator, Teresa Lockamy, would be absent due to being ill. Mrs. Link proceeded to review the agenda for the meeting. The charter was discussed briefly to remind committee members of their duties and ground rules.

Mrs. Link brought forward to the committee the changes staff had proposed based on problems they have seen within enforcement with the city's current Landscape and Tree Conservation Ordinance. She handed out a paper copy of the list of proposed staff revisions to all committee members. Mrs. Link moved on to the list of proposed revisions.

Walker Sanders inquired the meaning of an IMUD. Ms. Link explained it was an integrated Multiple Use Development in which there are multiple parcels that are developed at different times and could be developed by the same developer or a different developer. They can come under different ownership. Ms. Link stated for IMUDS they city's landscape requirements require landscaping along the entire perimeter and no landscape requirements for the interior of the parcels. Ms. Link explained there can be confusion of who is to maintain the landscaping. Tree Conservation is not required for each parcel but for all of the parcels combined and this area can be placed wherever the requirements can be met. However, this can be an issue due to possible future development.

Ms. Link proceeded to overview the committees' strategy and process for the proposed revisions. She explained the committee will review one item per meeting, staff will present the proposed change, present best practices and draft wording on how staff invasions these revisions be worded and implemented. Committee members will then have the chance to critique, propose changes or add suggestions to the proposed document. A majority vote will then vote on the draft to move it to a final revision to be approved by majority consensus and be submitted.

Tori Smalls questioned the committee member's tasks. Ms. Smalls needed clarification on whether the committee was only to review at proposed items or if members could suggest other topics or problems. Mrs. Link explained suggestions were welcome; however, the committee would focus on the staff proposed revisions. If the committee had time following the staff revisions they would be considered.

Mr. Sanders had concerns about Piedmont Natural gas and Duke Energy and their underground lines affecting which trees could be planted in the downtown area. He questioned if this was a common city problem. Jason Combs responded by stating that the lines are buried to National Safety Code and it is difficult to plant deep rooted canopy trees over them. Mark Reaves stated with guidelines, easements and sidelines it becomes very difficult to find a place to plant larger canopy trees. Mr. Reaves stated soil root volume was a topic that needs to be included in the conversation.

Nick Piornack questioned whether the city, state or if he as a landowner needs to deal with energy companies or telecommunications companies take out landscaping on his properties. Terri Jones explained it depends and explained that a lot of times the utilities have easements that pre-exist city regulation or involvement.

Jeff Sovich requested to add into the requirements for species diversity that no nonnative or invasive species be planted in required planting areas.

Dabney Sanders wants to look at including innovative stormwater treatment facilities. Jason Geary stated that the Water Resources Department promotes this idea, he explained they do not see many designs using these innovative ideas yet. Kimberly Barb stated that it is more costly to go with innovative designs, but using these newer designs should be incentivized.

Judy Stalder suggested that for any plans underway in the CBD possible coordinate with DGI and the city.

A question was proposed regarding how the ordinance changes will be enforced. Ms. Link explained that the City Arborist reviews the plans for TRC to ensure it meets the requirements and make sure the ordinance is enforced when designed. Mr. Clinton then addressed the issue of maintenance. He explained that it is a complaint-based system and violations of the ordinance come in such as tree topping and missing landscaping. Future topics Mr. Clinton wants to cover with the committee are possibly requiring permits for the tree workers for the city and possibly requiring education exams about the ordinance to ensure those providing maintenance know what services they can and cannot offer.

Tim Knowles questioned enforcement on tree topping. He spoke of shopping centers nearby that are having this issue. Mrs. Link stated that we only have Mr. Clinton for the whole city and he can use local ordinance enforcement to help, but that involves issuing violations and working through that process. They can also appeal which makes it a longer process.

Ms. Stalder then posed a concern regarding single family development and wants the committee to make sure decisions made balance landscaping and tree conservation with affordability. She mentioned a few years back the city passed a bond referendum to study affordable housing and notified the committee that every regulation adds cost to housing.

Ms. Barb questioned whether the Type D buffer is necessary and if it could be reduced or eliminated. Ms. Link explained that this buffer has turned into the Vehicular Use Area buffer, which is a 5 foot buffer and still has the same planting requirements and required along property lines of similar uses only when there is a vehicular use area. Ms. Link explained this would be a topic to discuss when the committee gets to urban requirements.

Mr. Francis explained the original intent for the type D buffer when creating the ordinance was that there would be two five foot buffers, one from each property line to create a 10 foot buffer between the two properties. Mr. Clinton stated this topic would be an acceptable time to look at other incentives such as courtyards that are an interactive use of space.

Mr. Knowles questioned if we could get a person who would represent law enforcement in the committee. His concerns regard to safety and visibility in front of stores. Mr. Knowles is concerned that the Type D buffer allows for hedges to block law enforcements view and can affect the safety of the public.

Christina Larson mentioned she would like to see a way to incentivize design that is more expensive yet will allow for more planting space instead of parking in the city's CBD. She stated that this may increase the live-ability and curb appeal. Mrs. Link stated that would be a topic for our Central Business District Discussion.

Ms. Link asked the committee members if they were willing to move forward and no one spoke in opposition.

Ms. Link proceeded to overview the first topic: Landscape and Species Diversity. An explanation of the city's current ordinance section 10-4.1 was given to the committee along with photos showing monocultures within the city. Ms. Link discussed two different scales that are affecting Red Maples and Crepe Myrtles within Greensboro and surrounding cities. Mrs. Link introduced Anna George, to speak on what other surrounding municipalities' ordinances state in comparison to Greensboro's.

Ms. George spoke on Charlotte, High Point, and Fayetteville's ordinances.

Ms. Link introduced the committee members to the proposed landscape and species diversity amendment, which was created in 2015. After explaining the amendment, she opened the floor for suggestions, merits and challenges, and to discuss intended or unintended consequences.

Ms. Larson questioned the math in the table presented (Maximum number of each genus allowed). Mr. Knowles stated he like High Point's ordinance due to the flexibility it gave species to be planted in roughly equal proportions. Ms. Small responded roughly equal proportions could be conflicting due to different perspectives.

Ms. Small questioned the charts regarding the use of canopy trees and understory trees, and whether there should be separate ratios for each type for greater diversity.

Ms. Sanders requested that there should be a review of the current plant list and circumstances on a more regular basis, due to newly found insect issues and future issues.

Mr. Knowles suggests the ordinance should note the arborist/planning director reviewing the plan has the right to reject a landscape plan based on current pest problems.

Ms. Jones questioned the breakdown of numbers in the charts given for species diversity. Mrs. Jones asked if it was roughly equal proportions to the number of tree sites require to be planted based on current plans. Ms. Link replied more than fifty percent of our projects require more than 40 trees.

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Mr. Clinton stated that plans come in and the diversity is there when the plan is approved and the installer may make changes based on availability. He stated having something in place like these charts could help guide creating landscape plans.

Mr. Knowles asked Mr. Clinton if there was a note in the ordinance regarding his ability to make substitutions. Mr. Clinton stated there is sometimes a note on the plan that states this regarding the landscape architect.

Ms. Small stated that adding no substitutions will bring on an unwanted and unneeded step in the review process.

Ms. Barb stated that it comes down to availability at nurseries. Mr. Reaves agreed and stated that is a reason we do see so many monocultures in our city.

Mr. Clinton mentioned there are cases when mature parking lot canopy trees will be taken down and replaced with understory trees, which brings up a challenge. Mr. Clinton stated it is hard to make business owners dig up an understory tree to replace it with a canopy. Mr. Sanders questioned if other cities had any standards regarding this issue. Ms. Link stated it goes back to enforcement, and who is out there to catch it.

Ms. Link asked the committee if staff could move forward with re-writing another draft amendment from the given suggestions and comments. No one spoke in opposition.

Ms. Link stated staff would take the revisions and re-write the amendment and have it ready for the next meeting. Also stated the next meeting date, time and location.

Additional Business

Ms. Link asked if anyone with specialized knowledge of plants would volunteer for a subcommittee to review the current plant list. She mentioned the subcommittee would meet outside of the reoccurring meeting to discuss. Volunteers for the subcommittee were Ms. Larson, Mr. Reaves, Mr. Knowles, and Mr. Francis. Steve Windham was nominated by Mr. Knowles to join the subcommittee.

Adjournment

Ms. Link reminded the committee of the location change. Mrs. Link made closing remarks.

With no further business before the committee, the meeting was adjourned at 4:28pm.