



## Legislation Details (With Text)

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**On agenda:** 1/28/2014      **Final action:**  
**Title:** Request-to-set a public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments requiring Construction Management Plans for development projects meeting certain criteria. A revised draft ordinance has been prepared. A resolution setting a public hearing date for February 25, 2014 has also been prepared, and advisory board review has also been requested prior to the public hearing.

**Indexes:****Code sections:**

**Attachments:** 1. Attachment A - Resolution, 2. Attachment B - Draft Text Amendment Construction Management(12-3-2013)

Date	Ver.	Action By	Action	Result
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**TITLE:**

Request-to-set a public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

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**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon 919-918-7325; Marty Roupe 919-918-7333; Patricia McGuire 919-918-7327; Mike Brough 919-929-3905

**INFORMATION:** At its June 11, 2013 meeting, the Board of Aldermen directed staff to prepare a draft amendment to the Land Use Ordinance (LUO) or to the Town Code regarding the mitigation of construction projects. Discussion focused on five main topics: 1) manager involvement in construction management plan approval, 2) meetings with neighboring property owners and businesses, 3) penalties for violations, 4) applicability for residential development projects, and 5) review of the Styrofoam issues that occurred at 300 East Main Street during the construction of the hotel and which led to the consideration of a construction management plan requirement.

At its October 1<sup>st</sup> meeting, staff reviewed the five points from June 11<sup>th</sup> and presented the Board with a draft

amendment to the LUO designed to address the first four points of concern. Staff is researching potential health concerns related to item five - the use of EIFS as a building material. Information from the Board's October 1, 2013 meeting may be found at <https://carrboro.legistar.com/Calendar.aspx> . The draft ordinance was presented at the November 7<sup>th</sup> Joint Review meeting and was submitted to Orange County. Town advisory boards submitted a number of comments regarding the proposed amendment and recommended additional language to address their concerns:

- Providing a more specific trigger for when the construction management plan is required;
- Identifying suitable parking for construction employees, contractors and subcontractors;
- Strengthening environmental protections; and also
- Amending the tree protection requirements in Section 15-318(a) to include efforts to protect trees on adjacent properties from construction-related damage.

After considering the draft ordinance at the November 19<sup>th</sup> public hearing, the Board instructed staff to incorporate language to address the concerns identified by the advisory boards. A revised ordinance has been prepared, with proposed changes shown with the Tracking Tool (Attachment B). The recommendation to amend Section 15-318(a) of the LUO regarding tree protection during construction will be included as part of a forthcoming proposal to modify Article XIX, Screening and Trees scheduled for a future meeting.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Planning Board and Orange County review is also needed. As the Board may also notify members of the development community, staff has included a reference to these stakeholders in the resolution.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen Review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board, the Environmental Advisory Board and the Transportation Advisory board.