



Legislation Details (With Text)

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Title: Request-to-Set a Public Hearing on Land Use Ordinance Amendments Relating to Tree Protection, Shade Trees, Canopy Coverage and Replacement Standards
PURPOSE: Potential text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices A and E, were presented to the Board for discussion in May. This agenda item provides the Board with an opportunity to review changes made to the draft ordinance during the summer, and to consider setting a public hearing in January 2018.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution, 2. Attachment B - Working Draft Ordinance _trees-shading and canopies, appendices_10-12-2017, 3. Attachment C - ART-XIX with tracking, 4. Attachment D - APPEND-A with tracking, 5. Attachment E - APPEND-E with tracking

Date	Ver.	Action By	Action	Result
10/17/2017	1	Board of Aldermen	approved	Pass

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DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Randy Dodd - 919-918-7326, Bob Hornik - 919-929-3905

INFORMATION: At the May 16th Board of Aldermen meeting, staff presented the Board with a working draft ordinance of potential modifications to the Land Use Ordinance (LUO) as a follow-up to previous amendments relating to canopy coverage, tree protection and tree replacement, adopted on May 27, 2014. At the time of 2014 adoption it was anticipated that certain aspects of the amendments, might need further refinement, particularly the sections relating to canopy cover. Now, almost four years later, staff has heard from and is working with applicants seeking land use permits in the downtown (B-1(C), B-1(G) and B-2 districts) regarding their challenges meeting certain provisions while maintaining their desired building program-often a larger building on an infill lot.

The attached draft ordinance is designed to create an opportunity for minor deviations from the provisions in Article XIX, Screening and Trees, for certain situations while retaining the overall intent to protect trees during construction, and to plant new trees for improved shading and canopy cover (Attachment B). The draft

ordinance includes new language to allow a payment in lieu of trees, in certain situations. In the short term, staff could identify a few possible locations on Town-owned property that could be used as receiving areas for trees, but in the long term, such a mitigation program would necessitate the adoption of a tree planting plan to guide the collection of payment for this specific purpose. Other changes--a new calculation worksheet in the appendices, substantially updated plant lists reorganized into a single table, and other minor formatting improvements--are designed for better ease of reading.

While the content of the proposed text amendments is pretty straightforward, the combination of amendments in the main body of the LUO, appendices and tables in the appendices, can make the presentation of the material complicated. Staff has attached the changes as a standard draft ordinance (Attachment B) as well as in tracking to help provide a clear sense of the changes in context (Article XIX - Attachment C, Appendix A - Attachment D, and Appendix E - Attachment E).

The Board must receive public input before considering text amendments to the LUO, and Orange County and Planning Board comments are also required. A resolution has been provided that allows the Board to set a public hearing in January 2018, to facilitate opportunities for input and refinement prior to formal consideration.

FISCAL & STAFF IMPACT: None associated with the discussion of this item.

RECOMMENDATION: Staff recommends that the Board consider the resolution (Attachment A), setting a public hearing for January 23, 2018, and referring the draft ordinance to Orange County, the Planning Board and other advisory boards.