



## Legislation Details (With Text)

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<b>File created:</b>	2/17/2021	<b>In control:</b>		Board of Aldermen	
<b>On agenda:</b>	2/23/2021	<b>Final action:</b>			
<b>Title:</b>	Public Hearing on Land Use Ordinance Text Amendment Relating to Stormwater Management Regulations PURPOSE: The purpose of this item is for the Town Council to hold a public hearing on a proposed amendment to Section 15-263 of the Land Use Ordinance, Management of Stormwater. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.				

## Indexes:

## Code sections:

**Attachments:** 1. Attachment A - Staff Memo, 2. Attachment B - StormwaterVolumeMemo01292, 3. Attachment C - Draft Ordinance Option A, 4. Attachment D - Draft Ordinance Option B, 5. Attachment E - Draft Ordinance Modified Option B, 6. Attachment F - Signed Application-Arts Center TOC LUO-AME\_TownCouncil-ArtsCenter Final-1.5.2021, 7. Attachment G - ART-XVI Part II-Stormwater Management, 8. Attachment H - Comments from Advisory Boards & Orange County

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

Public Hearing on Land Use Ordinance Text Amendment Relating to Stormwater Management Regulations

**PURPOSE:** The purpose of this item is for the Town Council to hold a public hearing on a proposed amendment to Section 15-263 of the Land Use Ordinance, Management of Stormwater. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

**DEPARTMENT:** Planning Department

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**INFORMATION:** Dan Jewell, with Coulter Jewell Thames, PA, working on behalf of the ArtsCenter has submitted an application for a text amendment in association with the application for a conditional use permit for the proposed development (see separate agenda item). The request is to consider adding a new provision under Section 15-263(g) that would allow for a relaxation of the volume control provisions in certain very specific situations. On January 26<sup>th</sup>, three draft ordinances were provided to the Town Council: options A and B were included in the agenda packet, and a modified version of Option B, requested by applicant, was also

presented to the Council for discussion. (Agenda materials may be found at [Town of Carrboro - Meeting of Town Council on 1/26/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=>) <<https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=>>.)

All three options were referred to Orange County and to the Planning Board, Environmental Advisory Board and Stormwater Advisory Commission for review (Attachments C - E). When reviewing the ordinances, advisory board members were asked to consider the Council's comments and discussion points from the January meeting, and to identify a preferred option for the amendment as well as to consider modification to the draft language. Materials for the text amendment and a related conditional use permit application for the ArtsCenter's proposed new site at 315 Jones Ferry Road were presented at the joint advisory board meeting on February 4<sup>th</sup> and recommendations finalized on February 11<sup>th</sup>. Comments are provided as Attachment H.

Comments from the advisory boards express a preference for the Council granting relief for this particular project rather than making a change to the volume control provisions in the Land Use Ordinance or for some other option, such as the applicant applying for a variance. More detailed discussion on the draft ordinances, background on the stormwater management requirements and specifically the volume control provisions are provided in the staff memos (Attachment A & Attachment B).

A text amendment is needed to provide the Council, or other permit issuing authority, with the option of allowing a project to meet a lower or different standard. Additional revisions to Modified Option B as described in the advisory board comments offer one path forward. Staff will continue discussions with the applicant to understand the challenges associated with the project and will provide any updated information relating to possible refinements to the draft ordinances at the meeting.

**FISCAL & STAFF IMPACT:** The applicant has submitted the application fee for this amendment and notice has been published. No extraordinary costs noted in conducting the public hearing.

**RECOMMENDATION:** Staff recommends that the Town Council receive comment on the proposed amendment. Public comment may be submitted to the Town Clerk up to 24 hours after the close of the public hearing. A subsequent agenda item will be scheduled for the Council to finish its deliberations and consider making a decision on the item. A resolution of consistency will be provided at that time.