



Legislation Text

File #: 17-390, **Version:** 1

TITLE:

Public Hearing on Land Use Ordinance Amendments Relating to Tree Protection, Shade Trees, Canopy Coverage and Replacement Standards

PURPOSE: The purpose of this item is for the Board of Aldermen to receive public comment on text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices A and E. A draft ordinance has been prepared.

DEPARTMENT: Planning

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INFORMATION: On May 27, 2014, the Board of Aldermen adopted an ordinance relating to tree protection and tree replacement that included new requirements for tree canopy coverage. It was anticipated that certain provisions, particularly the sections relating to canopy cover, might need further refinement and that staff would evaluate the ordinance after a few years for that purpose. On May 16, 2017, staff presented the Board with a working draft of potential modifications, (<https://carrboro.legistar.com/MeetingDetail.aspx?ID=532853&GUID=D4BCC6CB-AD87-4982-913A-60D9A830EA88&Options=&Search=>>). On October 17, 2017, staff brought forth a draft ordinance with a request to set a public hearing (meeting materials may be found at: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=532855&GUID=2C206BEA-A612-4EEF-A7F5-38345172F41E&Options=&Search=>>).

The draft ordinance is designed to create an opportunity for minor deviations from the provisions in Article XIX, Screening and Trees, for specific situations where meeting the 2014 requirements have proven difficult, 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 includes new language to allow a payment in lieu of trees, in certain circumstances. 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.

To facilitate the review of the proposed language, staff has provided the following:

- A new version of the consistency resolution that incorporates the plan amendment provision (Attachment A)
- Draft ordinance (Attachment B)

- Staff memo with quick overview of changes (Attachment C)
- Current LUO Article XIX showing tracked changes (Attachment D)
- Current LUO Appendix A showing tracked changes (Attachment E)
- Current LUO Appendix E showing tracked changes (Attachment F).

The Board must receive public input before taking action on amendments to the LUO. The draft ordinance was referred to Orange County, and was presented at the joint advisory board review meeting on November 2, 2017. The Planning Board completed comments, but the Environmental Advisory Board (EAB) was scheduled to adopt its comments on the amendment at the January 18th meeting. Due to inclement weather, that action is expected to be scheduled for February 1st. The Board of Aldermen may wish to receive any public comment, but continue the hearing to the February 6th meeting so that it might consider formal comments from the EAB. Comments from the Planning Board and Orange County are provided (Attachment G).

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 receiving public comments on the attached resolutions and draft ordinance (Attachments A and B) and continuing the public hearing and final action to February 6th.