



## Legislation Text

File #: 17-454, 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

**CONTACT INFORMATION:** Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Randy Dodd - 919-918-7341, Bob Hornik - 919-929-3905

**INFORMATION:** On January 23, 2018, the Board of Aldermen opened a public hearing to receive comments on a draft ordinance relating to tree protection and tree replacement that included new requirements for tree canopy coverage. (Agenda materials may be found at: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=571457&GUID=3B57C796-9BE1-4D7A-89C0-630C365898B1&Options=&Search=>.) The Board voted to continue the public hearing to February to provide an opportunity for the Environmental Advisory Board to finish its comments (delayed by inclement weather), and to refer the draft ordinance to the Greenways Commission for comment. The Board subsequently voted to continue the hearing until March 27<sup>th</sup>.

A revised draft ordinance, dated March 21, 2018, has been prepared for the Board's consideration (Attachment B). If adopted, provisions in Article XIX and the associated appendices A and E would be amended to strengthen the Town's overarching policy toward preserving trees in general, protecting trees during construction, and planting new trees for improved shading and canopy cover. The revised draft includes some minor modifications of the ordinance presented in January to make the language clearer, and more consistent with similar provisions in other sections of the Land Use Ordinance (LUO). The other items included in the draft presented in January remain in place such as the new calculation worksheet in the appendices and the updated plant lists reorganized into a table format.

Attachments A through G, provided with the January public hearing materials have been updated. These items include:

- A new version of the consistency resolution that incorporates the plan amendment provision (Attachment A)
- Draft ordinance (Attachment B)
- A chart which provides an overview of changes to the draft ordinance with explanatory comments (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)
- Comments from Orange County and the Advisory Boards (Attachment G).

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 Environmental Advisory Board completed its review in March, 2018. The Greenways Commission discussed the draft amendments at two meetings but ultimately decided not to submit formal comments. Editing recommendations from members of the Greenways Commission, were discussed at the Greenways Commission meeting and subsequently integrated into the revised draft ordinance (March 21, 2018). The collective set of comments is provided as Attachment G. Alderman Slade's comments from the January public hearing are also provided since they were referred to the EAB to help guide its discussion (Attachment H).

**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 on consistency and the draft ordinance (Attachments A and B).