

## BOARD OF ALDERMEN

ITEM NO. C(6)

### AGENDA ITEM ABSTRACT

MEETING DATE: October 5, 2010

**TITLE: Request to Set a Public Hearing to Consider a Land Use Ordinance Text Amendment on Application Information for Storm Water Control, LOMR Requirement, and Modifications to BMP Design Standards**

DEPARTMENT: <b>PLANNING * to be attached</b>	PUBLIC HEARING: <b>YES _ NO <u>X</u></b>
ATTACHMENTS: <b>A. Resolution</b> <b>B. Draft Ordinance</b> <b>C. Land Use Ordinance; applicable sections</b>	FOR INFORMATION CONTACT: <b>Patricia McGuire – 918-7327</b>

### PURPOSE

On June 8, 2010, the Board of Aldermen directed staff to prepare changes to the Land Use Ordinance that would implement use of a new review checklist for storm water requirements in commercial development. A draft ordinance has been prepared. A resolution setting a public hearing for November 23, 2010 and referring the changes to advisory boards and Orange County has been prepared for the Board's use.

### INFORMATION

In September 2009, the board of Aldermen requested a report on engineering components of the development review process. A report was presented on June 8, 2010, accompanied by new storm water engineering review checklists that clarify which engineering activities and details are required at the permit and construction plan approval stages of the process. The Board of Aldermen accepted the report, authorized use of the residential stormwater review checklist and directed staff to begin processing the Land Use Ordinance changes necessary to implement the commercial stormwater review checklist. A draft ordinance has been prepared (*Attachment B*). The draft ordinance includes two other provisions. The first makes clear that a LOMR must be obtained whenever an encroachment within a floodway or non-encroachment area is authorized pursuant to a CLOMR (as required per Section 15-251.10(b)(2)). The second specifies that the design standards for storm water best management practices (BMPs) are those found in either the North Carolina Division of Water Quality BMP Manual or similar. The Board also requested that the town staff review previous minutes regarding conditional use permits for the last two years to identify significant engineering issues. Information on this review is expected to be complete in time for inclusion in the materials for the November public hearing on this draft ordinance.

Existing, applicable land use ordinance provisions are included (*Attachment C*).

It will be necessary to submit the draft ordinance to the Planning Board and to Orange County for review and comment. The Board of Aldermen sometime refers ordinances to other advisory boards as well. The attached resolution sets a public hearing for November 23, 2010 and refers the ordinance to the Planning Board and Orange County (*Attachment A*).

### **FISCAL AND STAFF IMPACT**

Amending the Land Use Ordinance involves staff analysis and administration of the proposed amendment, advisory board review, and advertising costs associated with ordinance preparation and public notice.

### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing on text amendments and referring the draft ordinance to the Planning Board and Orange County staff. (*Attachment A*).