

BOARD OF ALDERMEN

ITEM NO. C(10)

AGENDA ITEM ABSTRACT

MEETING DATE: December 4, 2012

**TITLE: Request-to-set a public hearing on Land Use Ordinance Amendments
Relating to Stormwater Management requirements**

DEPARTMENT: Planning	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Draft Ordinance C. Excerpt of Section 15-263	FOR INFORMATION CONTACT: Christina Moon – 918-7325 Mike Brough – 929-3905 Marty Roupe – 918-7333

PURPOSE

The purpose of this item is for the Board to consider setting a public hearing on a potential text amendment to the Land Use Ordinance regarding stormwater management. A resolution setting a hearing date for January 29th and referring for advisory board and Orange County has been prepared.

INFORMATION

Rigorous review of appropriate best management practices (BMPs) for stormwater control has long been apart of the development review process for the Town of Carrboro. The more robust requirements linked to the Jordan Lake Rules, NPDES permit, as well as increasing areas of developed lands, warrant a closer look at the long-term maintenance for such installations. Zoning staff has identified concerns with section 15-263(f)(i) of the Land Use Ordinance (LUO) which speaks to the warrantee period for new BMPs. The warrantees for BMPs installed early in the development process may expire prior to the completion of the project, leaving uncertainties as to the parties responsible for repairs and maintenance.

To address this issue, staff recommends amending Section 15-263(f)(i) to tie the warrantee period for the BMP to the actual approval date of the BMP, so as to ensure that the Town will have the full two years of protection intended to be afforded by the ordinance. The Town Attorney has prepared a draft ordinance to address this issue (*Attachment B*) for the Board's consideration.

The Board of Aldermen must receive public comment before making such an action. Planning Board and Orange County review is also needed.

FISCAL AND 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 resolution in *Attachment A* setting a public hearing for January 29, 2013 and referring the proposed amendments to Orange County, the Planning Board, and the Environmental Advisory Board.