



P.O. Box 2430
Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2013-005 Amendment of UDO Related to Town Committee Reorganization		
Reference Name	Tree Advisory Committee: UDO Chapters 220, 810, 880, 1160, & 1640	
Applicant	Town of Indian Trail	
Submittal Date	December 2013	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Request
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend several sections of the Unified Development Ordinance (UDO) to help implement the recent Town Council decision to repurpose the Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture Advisory Committee. The repurposing action also included creation of a standalone Tree Advisory Committee that will be staffed by members of the Planning Board.

Amendments are proposed for the following chapters of the UDO: Chapter 220 *Planning Board*, Chapter 810 *Buffer Yards, Parking Lots and Street Frontages*, Chapter 880 *Tree Preservation/Protection Administration and Procedures*, Chapter 1160 *Park, Recreation, and Open Space Dedication or Fee in Lieu*, and Chapter 1640 *Tree and Landscaping Definitions*.

Staff Recommendation- Staff recommends based on the guidance of the adopted plans that the text amendments be supported by recommending their approval to the Town Council.

Overview

The Town of Indian Trail’s population has experienced continued growth to reach its current level of approximately 35,000 persons. In response to this growth and the desires of most citizens, the Town Council has made significant investment in the number of recreational and cultural facilities within the community. In December of 2010, *Crossing Paths Park* opened as the Town’s first park and serves as the official outdoor events facility within Indian Trail. In October of 2012, the former Town Hall building was converted into the *Indian Trail Cultural Arts Center*, providing a venue for the display of art and

cultural enrichment. The Town has also recently broken ground on two major park facilities: *Chestnut Square at Indian Trail* (52-acres) and *Crooked Creek Park at Indian Trail* (140 acres). These parks will provide extensive active and passive recreation opportunities as well as facilities for organized sports such as soccer, baseball/softball, lacrosse, tennis, and others.

The expansion of Indian Trail's arts, cultural, and recreational offerings necessitated repurposing the previous Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture (PARC) Advisory Committee in November of 2013. Tree advisory functions will be provided by a newly reorganized, standalone Tree Advisory Committee. Having a tree focused committee is required as part of the Town's designation as a *Tree City USA* community. The Tree Advisory Committee would be responsible for providing the Town Council and staff with guidance on tree preservation and protection initiatives as well as providing recommendations to the Planning Director in the review of Alternative Tree Protection and Landscape Plans. The scope of ZT 2013-005 contemplates the minor UDO amendments needed to help implement the above noted committee reorganizations (Attachment 1).

In considering staffing for the Tree Advisory Committee, the Planning Board is in a unique position to be able to offer its expertise to this committee. The Planning Board's familiarity with the various aspects of the UDO, its background in land development, and its experience in balancing both long range and more immediate issues would make the Planning Board well suited for serving on/staffing the Tree Advisory Committee. The logistical aspects of the Planning Board already having a standard, monthly meeting would also help streamline the day-to-day aspects of the committee. For these reasons, staff is recommending (as part of ZT2013-005) that members of the Planning Board also serve on the Tree Advisory Committee, subject to Planning Board feedback and Town Council approval.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goal:

2.3.3 of the Comprehensive Plan- *Parks and Recreation, Open Space, and Natural Environment* because it will help facilitate creation of the Tree Advisory Committee, which will be focused on providing advisory services to help protect the Indian Trail tree canopy and natural environment. The proposed amendments will also help ensure guidance related to parks, art, recreation, and cultural enrichment is provided by the PARC Committee, whose mission and expertise is tailored to these areas.
2. This UDO ordinance amendment is in the best interest of the public because it helps facilitate the creation of focused, advisory committees that will ensure that Town Council, staff, and citizens are provided with meaningful and informed guidance.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of UDO Text Amendment ZT2013-005 as presented to the Planning Board.

Staff Contact

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Attachment 1: Draft UDO Amendments
Attachment 2: Draft Ordinance

ATTACHMENT ONE

Chapter 220. Planning Board

220.030 Powers and Duties of the Planning Board

The Planning Board will have the following powers and duties:

A. Tree Advisory Committee

Members of the Planning Board will serve as the Tree Advisory Committee.

Chapter 810. Buffer Yards, Parking Lots and Street Frontages

810.090 Alternative Buffers and Screening

In lieu of compliance with the 15-foot, 25 foot or 50-foot buffer standards of this section, an applicant may submit an alternative landscape and buffer plan to the ~~Parks, Tree and Greenway Committee~~ Tree Advisory Committee for review. Upon review of the alternate plan, the Committee may recommend that the Director of Planning and Development approve the alternative buffering and screening upon finding that the proposal will afford a degree of buffering and screening, in terms of height, separation, and opacity that is equivalent to or exceeding that provided by the applicable 15, 25, or 50-foot and greater buffer standards of this section. The Planning Director may not take final action approving an alternative plan until a recommendation from the committee is received or until forty-five (45) days have passed since the proposal was heard by the committee, whichever is first.

Chapter 880. Administration and Procedures

880.010 Responsibilities and Enforcement

- A. The Planning Director or designee shall have the power and authority to administer and enforce this ordinance. The Planning Director or designee may serve notice to any person in violation of this ordinance and/or institute legal proceedings as may be required, and the Town Attorney is hereby authorized to institute appropriate proceedings to that end.
- B. ~~Park, Greenway and Tree~~ Advisory Committee will have the power and authority to the following:
 - 1. Review and propose revisions to the tree preservation standards.
 - 2. Review alternative methods of compliance with the tree planting and tree protection requirements and make recommendations to the Planning Department.
 - 3. Provide community outreach and public education.
 - 4. Participate in the Town's Arbor Day Event.

880.040 Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant materials, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design, or unusual site conditions. An alternate plan may be approved when:

1. The ~~Park, Tree and Greenway Committee~~ Tree Advisory Committee makes a recommendation to planning staff regarding all alternate tree protection/planting plans, plant materials, planting standards or reforestations.

Chapter 1160. Park, Recreation, and Open Space Dedication or Fees in Lieu

1160.020 Payments of Fees in Lieu of Land Dedication

The payment of fees, in lieu of the dedication of land under Section above, may occur at the request of the applicant or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, will be made by the Town Council (for Conditional Zoning Districts) after having received a recommendation from the Planning Board and the Town's ~~Park, Greenway, and Tree Committee~~ Parks, Arts, Recreating, and Culture Advisory Committee and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs

Chapter 1640. Tree and Landscaping Definitions

1640.360 ~~Park, Greenway, and Tree Committee~~ Parks, Arts, Recreating, and Culture Advisory Committee

A council-appointed committee that consist of ~~7~~ 9 members assisting in the planning, development and management of all future ~~public parks, recreation, and greenway systems~~ and tree related matters

1640.490 Tree Advisory Committee

A council-appointed committee that consists of 7 members from the Town of Indian Trail Planning Board assisting in the planning and management of the Indian Trail community forest and the administration of the Tree Preservation and Protection and Landscaping ordinances.

ATTACHMENT TWO

NOW THEREFORE, BE IT ORDAINED ON JANUARY 14, 2014 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 220, CHAPTER 810, CHAPTER 880, Chapter 1160, and Chapter 1640 are hereby amended as shown in Exhibit A of this Ordinance;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS JANUARY 14, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk