



## Legislation Text

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**File #:** 13-214, **Version:** 1

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### **SUBJECT:**

Public Hearing on a Proposed Ordinance to Amend the Vienna Town Code, Chapter 18, Zoning, Article 25, Site Plan Control Provisions, Section 18-251, Where Applicable and Section 18-252, Site Plan Specifications (Addition Of Minimum Tree Canopy Requirements For The Single-Family Detached Residential Zones).

### **EXPLANATION AND SUMMARY :**

Throughout the past two calendar years, the Town's Community Enhancement Commission (CEC) has been investigating the possibility of regulating tree removal on private property for single lot development. Article 25, Chapter 18 of the current Town Code provides for tree canopy requirements for subdivisions, commercial properties and site plans. However, it does not require maintaining a minimum tree canopy for single-lot redevelopment activities. To help remedy the loss of the Town's tree canopy, the CEC worked with the Town Staff and participated in a number of Town Council work sessions to formulate new Code provisions for this purpose. An ordinance draft was forwarded to the Planning Commission for review and recommendation by the Town Council at its January 6, 2014 regular meeting.

The Planning Commission first considered the CEC's proposal during a public hearing conducted during its January 22, 2014 meeting. Members of the CEC testified in support of the proposal and a citizen expressed some concern with proposed legislation that prescribes warranties after the issuance of a certificate of occupancy for a new home. Commissioners also spent a considerable amount of time quantifying the term "any development" (found in §§ 18-251 and 18-252 of the Town Code) as it pertains to subsequent construction activities in the RS detached residential zones. The public hearing was continued to provide ample review of the potential language changes and to explore the aforementioned warranty issue.

The Planning Commission received additional public testimony (both for and against the proposed ordinance amendment) at the February 26, 2014 meeting, closed the public hearing and subsequently recommended approval of its final-draft document by a vote of 7-1 (Hendricks voting nay; McCoy absent).

**Departmental Recommendation :** The Director of Planning & Zoning and the Director of Parks and Recreation concur with the actions of the Planning Commission as formulated at its meeting of February 26, 2014 and recommends approval of the proposed ordinance amendment.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** The Town Council may conduct a public hearing to consider the adoption of the proposed amendments to Town's Tree Canopy requirements in its discretion.

**Town Manager's Recommendation :** I recommend the Town Council approve of the proposed ordinance to amend the Vienna Town Code, Chapter 18, Zoning, Article 25, Site Plan Specifications, Section 18-251 as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

**PROPOSED/SUGGESTED MOTION**

"I move to close the Public Hearing."

"I further move for approval of the proposed ordinance to amend the Vienna Town Code, Chapter 18, Zoning, Article 25, Site Plan Control Provisions, Section 18-251, Where Applicable and Section 18-252, Site Plan Specifications through the addition of minimum tree canopy requirements for the single-family detached residential zones."

"I further move to direct the Town Clerk to place the ordinance amendment on the agenda of April 28, 2014 for adoption and to advertise Notice of Intent to Adopt."

OR

Other action deemed necessary by Council.