

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, December 3, 2002

TITLE: Request-to-set a Public Hearing: Downtown Building Heights Ordinance

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Draft Ordinance – Building Height C. LUO Sections 15-182, 185, 196, 221 D. Map of Downtown Building Height and R/W Width	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

An ordinance amending the provisions related to building heights, active recreational facilities and sidewalk widths in the downtown has been prepared and amended in accordance with the Board of Aldermen's requests on October 8, 2002. The Administration recommends that the Board of Aldermen set a public hearing for January 14, 2002 and refer the draft ordinance to the Planning Board and Orange County.

INFORMATION

Since receipt of the concept plan for the downtown in late winter of this year, the Board of Aldermen identified "fast track" downtown visioning items and has directed those items to staff and citizen advisory boards for review and comment. Among the fast-track items are changes to land use regulations related to building heights, active recreational facilities and sidewalk widths in the downtown. An ordinance addressing these changes has been prepared (*Attachment B*).

Draft Ordinance Related to Downtown Development: Overview and Discussion

The ordinance that was drafted in follow-up to the Board's "fast-track" items includes four substantive changes to the Land Use Ordinance. Changes are proposed to Sections 15-182.2, 185, 15-196, and 15-221 of the LUO, copies of which are attached (*Attachment C*). The draft ordinance incorporates recommendations of the subcommittee of the Downtown Development Commission, following its review of the draft this summer. The subcommittee comments include the following.

- 1) Allow an additional story of height so long as the additional story is enclosed within a roof structure (e.g. mansard or similar roof structure) as a third option. The two existing options include stepping back the additional story ten feet or setting back the entire structure ten feet.
- 2) Clarify which height restriction applies in situations where lots front on more than one street and the rights-of-way are of different dimensions.
- 3) Allow an additional story of height (subject to stepback, setback, or roof story requirement) in conjunction with the dedication of sufficient right-of-way to meet the threshold, so long as the overall right-of-way width is consistent with the Town's desire for uniform rights-of-way. Since the right-of-way width is not consistent in all

locations, basing the maximum height strictly on existing circumstances may prevent the development of a more uniform streetscape.

The structure of these proposed changes has been developed to mesh, to the extent possible, with the existing zoning district definitions and associated dimensional regulations. The height changes are summarized in the table below. A map showing the base building height in relation to right-of-way width, as presented in the draft ordinance is attached as is a map illustrating where additional height would be possible, in conjunction with either a stepback, setback, or specified roof treatment (*Attachment D*). It must be noted that the maps are for illustrative purposes only as the right-of-way widths have been captured from GIS data. Where lots front on rights-of-way of differing widths, the greater building height has been applied.

DOWNTOWN ZONE	CURRENT MAXIMUM HEIGHT	PROPOSED MAXIMUM HEIGHT
B-1(c)	Two Stories	Five Stories
B-1(g)	Three Stories	Five Stories
CT	Three Stories	
B-2	Two Stories	Three Stories
R-2	50'	
M-1	Three Stories	

Changes to height provisions are shown in shaded cells.

The ordinance includes a new recreational facilities provision. This change will allow the recreational requirements in downtown zoning districts to be satisfied by alternative amenities, such as, but not limited to, sculpture, fountains, benches, and mini-parks. Point values are not proposed for these amenities. Should this change be adopted, an applicant considering such alternatives will be directed to the methodology set forth in Appendix G of the LUO that relates cost of any improvement or amenity to the point requirements. It should be noted that the Recreation and Parks Commission and the Planning Board are currently reviewing the recreational point requirements and are scheduled to make a report to the Board of Aldermen in mid-February.

The Board of Aldermen has expressed its desire to make the downtown more pedestrian-friendly. In consideration of the possible changes in infrastructure or development that might support the construction of wider sidewalks, an amendment to the Land Use Ordinance that specifies a ten-foot sidewalk width requirement, where practicable, in downtown zoning districts has been included in the draft ordinance.

It will be necessary for the Board to receive public comment and to provide an opportunity for the Planning Board and Orange County to review prior to adopting this ordinance. In light of the high visibility and wide community interest in the downtown, the Board of Aldermen may also wish to include other advisory boards in this review, such as the Appearance Commission, Transportation Advisory Board, Downtown Development Commission, and Recreation and Parks Commission.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the resolution setting a public hearing and referring the draft ordinance for Planning Board and Orange County review (*Attachment A*).