

BOARD OF ALDERMEN

ITEM NO. C(9)

AGENDA ITEM ABSTRACT

MEETING DATE: June 20, 2006

TITLE: Review of a Request from the Planning Board Regarding a Stepback Provision of the Downtown Neighborhood Protection Overlay District

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Excerpt of Land use Ordinance, Section 15-185.1 C. Planning Board Recommendations D. Illustration of opposite side stepback requirement	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

While reviewing the draft ordinance for the Downtown Neighborhood Protection (DNP) Overlay District in May 2005, the Planning Board recommended removal of two stepback provisions. The changes were not incorporated into the final ordinance. The Planning Board has adopted a recommendation requesting the Board of Aldermen to remove the specified stepback requirements. A resolution that directs staff to prepare a draft ordinance per the Planning Board recommendation sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board, Orange County, the Appearance Commission, and the Economic Sustainability Commission is recommended for the Board's adoption.

INFORMATION

A public hearing on the DNP Overlay zoning district was held on June 28, 2005. The hearing was continued to August 22, 2005. The opposite side stepback provision (*Attachment B* – excerpt of Section 15-185.1) was discussed in June; there were no directions to modify the draft ordinance. There was not discussion of this provision in August and the DNP ordinance was adopted with the opposite side stepback requirement intact. During a courtesy review of the Andrews-Riggsbee redevelopment proposal, the Planning Board discussed the implications of this and considered requesting that the Board of aldermen amend the adopted DNP provisions to remove this requirement. A recommendation requesting the change was adopted by the Planning Board on June 1, 2006 (*Attachment B*), echoing the request that was made in May of 2005. An illustration of the opposite side stepback requirement that was provided at the June public hearing is attached (*Attachment D*).

Should the Board of Aldermen wish to proceed with the Planning Board recommendation, it will be necessary to direct staff to prepare a draft ordinance, set a public hearing and refer the draft ordinance to the Planning Board and Orange County. Recently, the staff has included in resolutions that set a public hearing a list of other advisory boards to which a draft ordinance might be referred for review. In order to facilitate efficient consideration of this request and the setting of a public

hearing, if desired, staff has identified two advisory boards which may have a particular interest in the proposed change to the Land Use Ordinance. Staff is recommending that the Board of Aldermen also refer the draft ordinance to the Appearance Commission and the Economic Sustainability Commission and has “selected” these boards on the resolution (*Attachment A*). The Board of Aldermen is, of course, free to select additional advisory boards or commissions or to refer the draft ordinance only to those entities required to review such a change (i.e. the Planning Board and Orange County staff).

FISCAL IMPACT

In general, amending town regulations require staff analysis and administration of the proposed amendment, advisory board review, and associated advertising costs. The particular costs vary based on the complexity of the possible change.

RECOMMENDATION

The staff recommends that the Board of Aldermen decide whether it wishes to proceed with the action requested by the Planning Board. A resolution that directs staff to prepare a draft ordinance, sets a public hearing for September 26, 2006, and refers the draft ordinance to the Planning Board and Orange County, and the Appearance Commission and Economic Sustainability Commission is provided for the Board’s use. (*Attachment A*).