

BOARD OF ALDERMEN

ITEM NO. D(7)

AGENDA ITEM ABSTRACT

MEETING DATE: June 20, 2006

TITLE: Request-to-Set a Public Hearing to Consider a Land Use Ordinance Text Amendment to Allow Residential Use on the Ground Floor of Buildings in Certain Locations in the Downtown

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO _X_
ATTACHMENTS: A. Resolution B. LUO Text Amendment Request C. LUO Section 15-160.1 D. Map of B-1(c) district E. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Town has received a request from Jack Haggerty, on behalf of NR Milian and Associates, to amend the text of the Land Use Ordinance to allow residential uses on the ground floor of buildings in the B-1(c) district that share a common boundary with a lot where the zoning classification allows that use. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board and Orange County, the Appearance Commission and the Economic Sustainability Commission is recommended for the Board's adoption.

INFORMATION

Mr. Haggerty submitted a text amendment request on April 21, 2006 (*Attachment B*). Currently, Section 15-160.1 of the Land Use Ordinance does not allow residential uses on the ground floor of property within the B-1(c) zoning district (*Attachment C*). The requested amendment to the Land Use Ordinance would amend Section 15-160.1 to allow residential uses on the ground floor of buildings in the B-1(c) so long as the residential area totals no more than 66 percent of the heated ground floor area. The text amendment request states that ground floor residential is appropriate in portions of the B-1(c) that share a common boundary with districts where residential uses are permitted on the ground floor. A map illustrating the location of the properties with B-1(c) zoning that share a common boundary with properties where ground floor residential uses are allowed is attached (*Attachment D*). A draft ordinance that responds to this request in part has been prepared and is attached (*Attachment E*). Staff notes that, if adopted, a maximum of 50 percent ground floor residential uses would be permissible on lots that meet several criteria specified in the draft ordinance, rather than 66 percent as has been requested. As currently drafted, the ordinance would make ground floor residential uses permissible on approximately one-half of the lots in the B-1(c) district.

It is necessary for the Board of Aldermen to hold a public hearing on a draft ordinance prior to taking any action. It is also necessary for the draft ordinance to be referred to Orange County and the Planning Board for review. Recently, the staff has included in the resolution a list of other

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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

Amending the Land Use Ordinance involves staff analysis and administration of the proposed amendment, advisory board review, and advertising costs associated with ordinance preparation and public notice. These costs are primarily captured in the text amendment application fee.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing on the text amendment to allow residential uses on the ground floor of buildings in the B-1(c) district under certain conditions and referring the draft ordinance to the Planning Board and Orange County staff and also referring the ordinance to the Appearance Commission and the Economic Sustainability Commission. (*Attachment A*).