

# BOARD OF ALDERMEN

ITEM NO. D(4)

## AGENDA ITEM ABSTRACT MEETING DATE: September 5, 2006

**TITLE: Discussion of Requested Land Use Ordinance Text Amendment to Modify Street Dedication Requirements**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO <u>X</u></b>
<b>ATTACHMENTS:</b> E. Resolution B. Excerpt of minutes from June 20, 2006 meeting C. LUO Text Amendment Request D. LUO Section 15-185 (a) E. Maps of street right-of-way widths and relevant zoning in the downtown F. Draft Ordinance	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327

### PURPOSE

A request to amend the text of the Land Use Ordinance was presented on June 20. The Board of Aldermen requested that the item be scheduled for discussion prior to taking action on the amendment request. A resolution that sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board and Orange County, the Transportation Advisory Board and the Economic Sustainability Commission is recommended for the Board's adoption.

### INFORMATION

The Board discussed this request briefly on June 20<sup>th</sup> and expressed some concerns about changing the parameters for downtown development that were adopted as part of the building height provisions in 2003 and the Downtown Neighborhood Protection overlay district in 2005 (*Attachment B*).

The Town received a request from David Ripperton on March 22, 2006 to amend the text of the Land Use Ordinance to modify the street right-of-way dedication provisions associated with allowing additional building height in certain downtown zoning districts (*Attachment C*).

Currently, Section 15-185 (a) (3) (a) of the Land Use Ordinance allows additional building height as otherwise authorized in this ordinance section to be utilized by a property owner of a lot in the B-1(c) or B-1(g) zoning districts that abuts a street right-of-way of fifty feet or less if the owner dedicates additional right-of-way to more than fifty feet (*Attachment D*). The dedication must take place before a building permit is issued for the building that takes advantage of the additional height.

The requested amendment to the Land Use Ordinance would amend Section 15-185 (a) (3)(a) so that additional building height would be available if an owner of property as described above dedicated additional right-of-way to more than twenty-five feet from the center line of the existing right-of-way, rather than an increase in the size of the right-of-way in its entirety. This change would allow additional building height on a number of properties without increasing the total width

of the right-of-way, and is made in hopes that the burden of expanding the width of rights of ways in downtown Carrboro would be shared by the owners of abutting property, rather than borne principally by the owner who makes the first development proposal. A map illustrating the widths of street rights of way in the downtown is attached (*Attachment E*). A draft ordinance that responds to this request has been prepared and is attached (*Attachment F*).

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 advisory boards to which the 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 Transportation Advisory Board 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. In the case of text amendment requests received from the community, these costs are primarily captured in the application fee.

### **RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing on the text amendment to modify the street right-of-way dedication provisions associated with allowing additional building height in certain downtown zoning districts and referring the draft ordinance to the Planning Board and Orange County staff, and also referring the ordinance to the Transportation Advisory Board and the Economic Sustainability Commission. (*Attachment A*).