

BOARD OF ALDERMEN

ITEM NO. D(6)

AGENDA ITEM ABSTRACT

MEETING DATE: October 3, 2006

TITLE: Discussion 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 recommendation from May 2005 D. Excerpt of Minutes from June 28 and August 22, 2005 meetings of Board of Aldermen E. Planning Board Recommendation from June 2006 F. Illustration of provisions of DNP overlay zone, with requested sections deleted G. Draft ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Planning Board has adopted a recommendation requesting the Board of Aldermen to remove one of the stepback requirements associated with the Downtown Neighborhood Protection overlay district. A resolution that sets a public hearing on the draft ordinance and refers the ordinance for advisory board review is recommended for the Board's adoption.

INFORMATION

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. A public hearing on the DNP Overlay zoning district was held on June 28, 2005. The Planning Board had recommended two modifications to the draft ordinance, one of which dealt with the opposite side stepback (*Attachment B*), the other dealt with the maximum height for towers. James Carnahan, Chair of the Planning Board, explained the recommendation. The opposite side stepback provision is included in two locations of the adopted ordinance (*Attachment C* – excerpt of Section 15-185.1).

Members of the Board of Aldermen provided some comments and requested additional information on the draft ordinance, though the Board made no specific directions to modify the draft ordinance per the comments of the Planning Board or others who spoke at the hearing on June 28th (*Attachment D*). The hearing was continued to August 23, 2005. Staff provided an illustrated version of the ordinance for the August 23rd continuation of the public hearing. James Carnahan

made a brief presentation elaborating on components of the draft ordinance, specifically the vertical and horizontal controls and the reason the 70-degree roof pitch maximum was selected; the opposite side setback was not mentioned. Carnahan also expressed support for some type of setback to support the transition from residential on one side of the street to the other and to provide room for a planting strip. On August 23 the DNP ordinance was adopted with the opposite side setback requirement intact (*Attachment D*).

Several months later during a courtesy review of the Andrews-Riggsbee redevelopment proposal, the Planning Board discussed the implications of the opposite side setback again and considered requesting that the Board of Aldermen amend the adopted DNP provisions to remove this requirement. A recommendation requesting the removal of the provisions requiring the opposite side setback was adopted by the Planning Board on June 1, 2006 (*Attachment E*), echoing the request that was made in May of 2005. An illustration of all the components of the DNP overlay zone that was provided at the August 23rd continuation of the public hearing is attached (*Attachment F*); the deletions requested by the Planning Board have been included (see pages 3 and 5).

A draft ordinance making the requested change has been prepared (*Attachment G*). Should the Board of Aldermen wish to proceed with the Planning Board recommendation, it will be necessary to 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 and has selected these boards on the resolution (*Attachment A*).

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 set a public hearing for November 28, 2006, and refers the draft ordinance to the Planning Board and Orange County, and the Appearance Commission and Economic Sustainability Commission is recommended for the Board's adoption (*Attachment A*).