

## BOARD OF ALDERMEN

ITEM NO. C(3)

### AGENDA ITEM ABSTRACT

MEETING DATE: January 23, 2007

TITLE: Public Hearing on Land Use Ordinance Text Amendment to Remove the Mansard Roof Option for the Neighborhood Protection Overlay District

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO
ATTACHMENTS: A. Resolution finding consistency B. Resolution finding inconsistency C. Draft Ordinance D. Excerpt of Minutes from December 5, 2006 E. Applicable LUO provisions F. Comments and Recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

#### PURPOSE

While considering a request from the Planning Board to remove the opposite side setback provision, the Board of Aldermen scheduled a public hearing to receive comments on removing the mansard option associated with the third story of buildings in the Downtown Neighborhood Protection overlay district.

#### INFORMATION

The Board of Aldermen discussed the Planning Board request related to the Downtown Neighborhood Protection (DNP) overlay zone opposite side setback on October 3, 2006 and December 5<sup>th</sup>. The Board of Aldermen decided to set a public hearing on a text amendment that would remove the mansard roof option for third stories built within the DNP. A draft ordinance that accomplishes this has been prepared (*Attachment C*).

It should be noted that staff has included in the draft ordinance a section (Section 2, shown in **bold** text) that also deletes the term “mansard” from the building height limitations for the B-1(c) and B-1(g) districts as presented in Section 15-185 (a)(4) of the Land Use Ordinance. The DNP mansard option was modeled on this language, which allows architectural roof detailing to conceal fourth and fifth stories in core downtown districts. Should the Board wish to remove the mansard in the DNP overlay zone, it would seem appropriate for the option to be removed for the B-1(c) and B-1(g) as well.

In considering this, it should be noted that roof styles are not specified or limited for the lower stories of buildings in any of the locations affected by the draft ordinance. Roof styles are not otherwise regulated in town, although roof pitch requirements are specified in the Vernacular Architectural Standards. Town policies dealing with downtown vitality, particularly those seeking increased commercial square footage in the downtown, accommodating additional square footage by building up, not out, and encouraging the development and placement of architecturally significant commercial buildings seem best served by providing more choices.

An excerpt of the December 5<sup>th</sup> minutes is attached along with Sections 15-185 and 15-185.1, the sections that detail the requirements for the DNP overlay zone and the B-1(c) and B-1(g) districts and Sections 15-177 and 178, where architectural standards for development in town are specified (*Attachments D and E*).

The ordinance has been referred to the Planning Board, Appearance Commission, and Economic Sustainability Commission, and to Orange County staff for review. A written notice of the public hearing was also sent to 1,794 residents and property owners within 1,000 feet of the DNP Overlay. Comments are attached (*Attachment F*).

### **FISCAL IMPACT**

The roof containing and concealing options for the DNP overlay district and the B-1(c) and B-1(g) districts were developed to allow additional interior space within an enclosed roof space as an alternative to the reduction in interior building space that results from the stepback. In general, a positive relationship between total building square footage and building value is expected, however building use and detailing/quality are important components of the determination of value. No fiscal impact is estimated.

### **RECOMMENDATION**

The staff recommends the Board of Aldermen adopt the resolution (*Attachment B*) rejecting the proposed amendment and finding that existing regulations are consistent with adopted policy and practices.