

BOARD OF ALDERMEN

ITEM NO. A(3)

AGENDA ITEM ABSTRACT MEETING DATE: February 27, 2007

TITLE: Continuation of the Public Hearing on a 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 January 23, 2007 E. Applicable LUO provisions F. Comments and Recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

The Board of Aldermen held a public hearing on January 23rd to consider a land use ordinance text amendment to remove the mansard roof option associated with the buildings in the Downtown Neighborhood Protection overlay district. That public hearing was continued to February 27th.

INFORMATION

The Board of Aldermen held a public hearing and reviewed a draft ordinance that would remove the mansard option associated with concealing upper stories of buildings in the Downtown Neighborhood Protection (DNP) overlay zone. The Board requested that staff revise the draft ordinance so that the mansard roof option was eliminated for the 50-foot buffer area of the DNP overlay zone only. It was noted that a sketch of a simple example and/or a variety of local examples of mansard roofs might be helpful in concluding consideration of this proposal. The draft ordinance has been modified, per the Board's direction (*Attachments C and D*).

Background

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 5th. 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*).

As part of the public hearing materials, staff noted that since the ordinance allows four and five story buildings in the B-1(c) and B-1(g) districts to utilize mansard roofs, for the sake of consistency it might be appropriate for the option to be removed for those districts 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.

Sections 15-185 and 15-185.1 of the Land Use Ordinance detail the requirements for the DNP overlay zone and the B-1(c) and B-1(g) districts and Sections 15-177 and 178 describe where architectural standards for development in town are specified. These sections are attached (*Attachment E*).

The ordinance was 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.