

## BOARD OF ALDERMEN

ITEM NO. D(3)

### AGENDA ITEM ABSTRACT

MEETING DATE: March 20, 2007

**TITLE: Request-to-set a public hearing on Land Use Ordinance Text  
Amendment to establish urban amenity space requirements for  
developments in the downtown**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO _X_</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Applicant's Text Amendment Request</b> <b>C. Applicant's Proposed Text Amendment</b> <b>D. Staff Memo</b> <b>E. B-1(f) and Overlay District Subcommittee Recommendation</b> <b>F. Article 13 of the Land Use Ordinance</b> <b>G. Appendix G, Land Use Ordinance</b>	<b>FOR INFORMATION CONTACT:</b> Kendal Brown – 918-7334 Patricia McGuire – 918-7327 Mike Brough – 929-3905

#### PURPOSE

The Town has received a request to amend the text of the Land Use Ordinance (LUO) to revise the requirements regarding open space for all residential developments in the downtown. A draft ordinance that responds to this request is being prepared and will be available at the March 20, 2007 meeting. A resolution that sets a public hearing for April 24, 2007 and refers the draft ordinance to advisory boards and Orange County is attached (*Attachment A*) and is recommended for the Board's adoption.

#### INFORMATION

In January of this year, area developers, represented by Mr. Jack Haggerty, recommended several changes to the LUO, including substitution of urban livability amenities instead of open space, with an option to provide a payment-in-lieu and/or open space to fulfill part of the new amenities requirement (*Attachments B and C*). Staff has prepared an analysis of these issues (*Attachment D*) and is preparing a draft ordinance amendment addressing the issues raised in the proposed text amendment, as well as in the B-1(f) and Overlay District subcommittee 2005 recommendation on providing civic space and civic amenities instead of open space (*Attachment E*).

The current requirement for open space in all residential developments in the downtown (the B-1(G), B-1(c), B-2, CT, and ORMU zoning districts) is to set aside 40 per cent of the land area of the site, or, under certain conditions, provide a payment-in-lieu. (Please

refer to Article 13 and Appendix G of the LUO, pertaining to the open space and recreation space requirements, *Attachments F and G.*)

This Agenda Abstract pertains to the 2007 request to consider the above-described LUO text amendment proposed by area developers and the B-1(f) and Overlay District subcommittee recommendation.

### **FISCAL IMPACT**

Amending the Land Use Ordinance involves public hearing advertising costs. The application fee for this text amendment request covers the cost of published notification required for modification of Land Use Ordinance regulations. Additional costs would be incurred if additional notification were to be given.

### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing and referring the draft ordinance to the Orange County staff, Planning Board, Recreation and Parks Commission, Transportation Advisory Board, Environmental Advisory Board, Economic Sustainability Commission, and the Appearance Commission.