

AGENDA TOPIC 11.J.

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: WAYNE MARSHALL, PLANNING & COMMUNITY DEV. DIRECTOR
DATE: AUGUST 14, 2009
RE: PUBLIC HEARING & SECOND READING of PROPOSED ORDINANCE AMENDMENTS, CHAPTER 98, TECHNICAL STANDARDS, PARKING REQUIREMENTS for RESTAURANTS

REQUESTED ACTIONS

Action # 1: It is requested that the Council conduct the scheduled and required public hearing associated with the second reading of the proposed amendments to the Chapter 98, Technical Standards Ordinance regarding parking standards for restaurants.

Action # 2: If the Council is comfortable with the proposed amendment, the Council should conduct the required second reading and adopt the proposed language. The language of the proposed amendment reflects your vote of July 21 at the First Reading. If the Council chooses to change language in the amendment, it will require a properly noticed second hearing.

BACKGROUND INFORMATION

The Council, at its meeting of July 7th, discussed current City parking standards for restaurants. This discussion centered on the amount of parking the City Code would require for Jed's Restaurant. The Council requested that I prepare potential amendments to the standards for your review at your meeting of July 21. The Council, at its meeting of July 21, reviewed the information I provided and my recommendation, chose to make several changes to my recommendation, and adopted draft language for the formal First Reading of the Ordinance amendment. The Council, at its July 21st meeting, also voted to conduct the public hearing and Second Reading at its meeting of August 18.

The Department properly posted notice of this public hearing and also advertised notice in the Republican Journal. The Department did not send any specific notice of the hearing to property owners because the proposal affects a performance standard, the amount of parking required for a restaurant use, rather than a specific property or zoning district. I note that State law does not require any specific notice being sent to property owners. To date, no formal public comment has been received from any resident, property owner or business owner regarding the proposed amendment.

The Belfast Planning Board did discuss this amendment proposal at its meetings of July 29 and August 12 and has chosen to submit a letter for Council consideration. I have attached this letter

to my memorandum. I note that several members of the Board likely will be present at the meeting if you want to discuss their stated concerns with them.

Lastly, I have attached the same background information that I provided you at your meeting of July 21st so you have it handy if it is needed for this discussion. I will do my best to answer any questions.