

# BOARD OF ALDERMEN

ITEM NO. (5)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, June 8, 2004**

**TITLE: Request-to-Set a Public Hearing to consider LUO Text Amendments making certain restaurant uses permissible in the B-1(g) zoning district**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO <u>X</u></b>
<b>ATTACHMENTS:</b> A. Resolution B. Excerpt of minutes – April 6, 2004 meeting of the Board of Aldermen C. Relevant Land Use Ordinance provisions D. Draft Ordinance	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327 Mike Brough – 929-3905

### PURPOSE

Members of the Board of Aldermen met with staff in mid-April to discuss the permit requirements associated with restaurants in the B-1(g) zoning district. A draft ordinance that would modify the permit requirement for this use has been prepared. Should the Board of Aldermen wish to take further action, the Administration recommends that the Board adopt the resolution setting a public hearing and referring the draft ordinance to the Planning Board and Orange County.

### INFORMATION

On April 6, 2004, Aldermen Chilton reported on a restaurant business that was being considered for property on West Rosemary Street (*Attachment B*). The property is located in the EAT overlay portion of the B-1(g) zoning district where restaurant uses are permitted with a conditional use permit, as noted in the relevant Land Use Ordinance provisions (*Attachment C*). Staff met with Aldermen Chilton and Zaffron later that month to discuss the issue and staff was directed to proceed with preparation of a draft ordinance to modify the permit requirements for restaurants in the B-1(g) district. An ordinance that makes restaurant uses permissible with a zoning permit, subject to conditions such as size and pre-existence of the building location has been prepared (*Attachment D*).

It is necessary for the Board of Aldermen to hold a public hearing on changes to the Land Use Ordinance and to refer the ordinance to the Planning Board and Orange County for review. The Board of Aldermen may wish to consider referring the ordinance to the Downtown Development Commission as well. It should be noted that the time frame for processing this request has been compressed somewhat. The compressed schedule requires that the Orange County manager approve an expedited review, and a copy of the draft ordinance and such a request were forwarded to the county manager and staff on June 4th.

## **FISCAL IMPACT**

Advertising costs are incurred in meeting the public hearing notice requirements for land use ordinance text amendments.

## **ADMINISTRATION'S RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the attached resolution setting a public hearing on text amendments modifying the permit requirements for restaurants in the B-1(g) zoning district and referring the draft ordinance to the Planning Board and Orange County staff (*Attachment A*).