

CITY COUNCIL MEETING
AGENDA ITEM IX



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting of December 14, 2105

From: Richard Lewis, Planning and Zoning Director
Subject: Proposed Zoning Amendment; Ordinance # 07-16

Recommended Motion for Ordinance # 07-16:

"I move that the Franklin City Council adopt Ordinance 07-16, approving the proposed zoning amendment to the Zoning Ordinance to allow restaurants in the Downtown Revitalization District as a Permitted Use instead of the current requirement for a Special Use Permit, per Section 305-22.F, Permitted Use Table of the Franklin Zoning Ordinance.

Discussion / Concurrences:

Over the last 12-16 months, the issue of how restaurants are permitted in the Downtown Revitalization District [DRD] has been a topic of discussion. The concern has been voiced that the current requirement for a Special Use Permit [SUP] from the Planning Board might act as a hindrance for someone wishing to establish a new restaurant. A SUP triggers a full public hearing with notice to the abutters. It was also noted that restaurants are simply Permitted Uses in the B-1 and B-2 commercial zones.

The Housing, Economic Development, and Infrastructure Committee, established as an outcome of the "Franklin for a Lifetime Program" this past April, voted at their 9/29/15 meeting to send a recommendation to the Planning Board asking that the requirement for a restaurant be changed from a Special Use Permit to a Permitted Use.

At the October meeting of the Planning Board it was voted to conduct a public hearing on the proposed zoning amendment to move restaurant uses in the DRD from being a Special Use Permit to a Permitted Use. The Public Hearing will be held on December 9, 2015.

This Council Agenda Report is being prepared prior to the Public Hearing; based on the fact that the Planning Board voted to conduct the hearing without any hesitation, and given the informal discussions held with the Board on this matter in the recent past, I fully anticipate that the Board will forward a Positive Recommendation to the City Council to adopt this amendment. I will provide the City Council a verbal report on the outcome of the Public Hearing and will highlight any issues than arise from any public comment.

Lastly, I will let you know that in most cases, the establishment of a restaurant would be subject to Site Plan review under the Change of Use provisions. This would allow for comments and suggestions on items such as loading zones, the use of any outside areas for seating, HVAC units, etc.

Attachments/Exhibits:

1. Copy of Ordinance # 07-16

ORDINANCE #07-16

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Fifteen;

Be it ordained by the City Council of the City of Franklin that Ordinance # 07-16 be approved as follows:

Amend Section 305-22.F, Permitted Use Table of the Franklin Zoning Ordinance to allow restaurants in the Downtown Revitalization District as a Permitted use instead of the current requirement for a Special Use Permit, per Section 305-22.F,

305-22. Downtown Revitalization District Section F Permitted Use Table

Single and Two-family Units [See Section I.1]	P	Day Care Center	SUP
Multi-family Units	SUP	Light Industry and Research & Development	SUP
Bed and Breakfast establishments; Inns; Hotels	SUP	Home Occupations [See Section J]	P / SUP
Commercial School	SUP	Individual Retail Use Greater than 5000 Sq. Ft in size	SUP
Retail Business	P	Nursing Home; Independent or Assisted Living Facility	SUP
Personal and Professional Service	P	Private School	SUP
Personal Convenience Service	P	Night Club	SUP
Restaurants & Eating / Drinking establishments	SUP P	Recreation and Amusement facilities	SUP

Roll Call Vote:

Councilor Clarenbach _____

Councilor Dzujna _____

Councilor Guinta _____

Councilor Wells _____

Councilor Boyd _____

Councilor Feener _____

Councilor Desrochers _____

Councilor Barton _____

Councilor Starkweather _____

Approved: _____
Mayor

Passed: _____
Date

I certify that said vote has not been amended or repealed and remain in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A True Copy Attested: _____
City Clerk

Date: _____