



AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- | | | | |
|--|------------------|---------------------------------------|------------------|
| <input type="checkbox"/> Nov 9, 2010 | Oct 29 (5:00 pm) | <input type="checkbox"/> Nov 22, 2010 | Nov 12 (5:00 pm) |
| <input type="checkbox"/> Dec 7, 2010 | Nov 30 (5:00 pm) | <input type="checkbox"/> Dec 14, 2010 | Dec 3 (5:00 pm) |
| <input type="checkbox"/> Jan 25, 2011 | Jan 14 (5:00 pm) | <input type="checkbox"/> Jan 11, 2011 | Dec 30 (5:00 pm) |
| <input checked="" type="checkbox"/> Feb 22, 2011 | Feb 11 (5:00 pm) | <input type="checkbox"/> Feb 8, 2011 | Jan 28 (5:00 pm) |
| <input type="checkbox"/> Mar 22, 2011 | Mar 11 (5:00 pm) | <input type="checkbox"/> Mar 8, 2011 | Feb 25 (5:00 pm) |

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input checked="" type="checkbox"/> New Business |

SUBJECT TITLE: CONSIDERATION OF SUSPENDING ENFORCEMENT OF PROHIBITION OF PAID PARKING AS AN ACCESSORY USE PENDING ADOPTION OF ORDINANCE AMENDMENTS

EXPLANATION: The Planning & Zoning Board has supported the staff recommendation that the Code be modified to allow properties to seek approval of a conditional use to allow the public to park for a fee on their parcel in hours outside normal operating hours and in spaces that exceed their required parking during normal business hours. The ordinance will be coming to the Commission for first reading in March and second reading in April. The proposed ordinance provides that the property owner must get conditional use approval from the P&Z Board and the Commission, which means that the earliest possible date that a property owner who receives conditional use approval under the ordinance could begin operations would be late in June.

We have conferred with the Town Attorney about the possibility of the Commission suspending code enforcement of the prohibition of paid parking only for those properties who submit a complete application for conditional use approval and are deemed by the Town staff to meet the requirements of the proposed ordinance. That would allow businesses who have been waiting for this ordinance for some time to operate such paid parking now, in high tourist season when the parking is most needed. The Town Attorney has concurred that this is a viable option for the Commission to consider, as part of the Town's exercise of its reasonable discretion over the use of code enforcement resources and in recognition of the fact that the adoption of the proposed ordinance will bring such paid parking use into compliance.

RECOMMENDATION: Authorize Town staff to suspend enforcement of the prohibition against paid parking as an accessory use if: (a) a property makes a complete application for paid parking as a conditional use, and (b) Town staff determines the property will be eligible for approval of such use by the Town Commission under the terms of the pending ordinance. The suspension of code enforcement will be valid for those properties who qualify and make a complete application before adoption of the ordinance, and will remain in force until the Town Commission either: (a) determines not to adopt the pending ordinance, (b) denies the property owner's application for paid parking as a conditional use, or (c) directs Town staff to start up enforcement again.

Reviewed by Town Attorney
 Yes No

Town Manager Initials CH