



# AGENDA ITEM REQUEST FORM

## Development Services

Department Submitting Request

*[Signature]*  
Dept Head's Signature *[Signature]*

### REG COMMISSION Meeting Dates - 7:00 PM

### DEADLINE TO Town Clerk

### ROUNDTABLE Meeting Dates - 7:00 PM

### DEADLINE TO Town Clerk

- Jan 11, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

\*Subject to Change

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

**SUBJECT TITLE: Ordinance 2011-01, Modifications to Parking Requirements: First Reading.**

**EXPLANATION:** At the June 23, 2010 Commission Roundtable, staff was directed to research alternatives to provide more flexibility and options for businesses to meet their required parking requirements. In addition, we were asked to evaluate the request to allow private property owners to offer parking to the public as a primary use in limited circumstances.

At the October 26, 2010 Commission Roundtable, staff provided the Commission with options provided by Planning Consultant Walter Keller, along with a copy of Delray Beach's Code that already incorporates some of the options. Staff was directed to send the information to the Planning and Zoning Board for their review of the options and recommendations.

The Parking Regulations are the subject of a current Notice of Intent (NOI) (Resolution 2010-39, adopted November 9, 2010) which provides for Commission adoption as late as April 2011.

On November 17, 2010 the Planning and Zoning Board held a workshop to discuss the Town's parking requirements. The Board recommended revisions to the procedures for parking waivers and discussed the distance criteria for reliance on available public parking.

At the November 22, 2010 Commission Roundtable, the Commission discussed the Planning and Zoning Board's November 17<sup>th</sup> workshop, and directed staff to prepare an item for the December 7<sup>th</sup> agenda that would temporarily exempt restaurants and restaurant type uses from Code parking requirements.

At the December 7, 2010 Commission meeting, this item was presented as a 2-year exemption program, and was discussed again. Additional direction was provided to staff to prepare an item for Planning and Zoning Board to review and provide a recommendation on a 3-year exemption program.

Finally, at the December 14 Commission Roundtable meeting, the Commission further discussed whether the exemption should be temporary or not, and the consensus was to continue with the 3-year exemption program.



Staff drafted language that we believe implements this Commission direction, and other proposed amendments discussed at previous meetings that include:

1. Exempt restaurants and restaurant type uses from Code parking requirements for a 3-year period.
2. Provide procedures for modification of required parking.
3. Make the parking requirements for churches, theatres and places of public assembly consistent to provide legal defensibility.

For a wide number of reasons, not the least being that a parking exempt policy is not sustainable or desirable for the long term, and would not provide long range security or stability to businesses, staff recommended the amending ordinance be drafted with the existing code for restaurant and restaurant type uses and the "exemption" be expressed as a suspension of those requirements for a specific period of time. This allows the business community and those that read our Code in the future to fully understand and comprehend that the suspension of parking requirements is for a limited period of time to stimulate economic growth and it is not the ongoing policy of the Town to take on the parking obligations of private business. Additional regulations increased the non-conforming use protection to businesses that utilize the suspension program, above and beyond the provisions that currently exist in the Code for nonconformities.

On December 15, 2010 the Planning and Zoning Board reviewed the proposed changes and provided their recommendations. The proposed changes included the changes previously reviewed by the Commission, as well as the parking modification procedures requested by the Commission.

**BOARD RECOMMENDATION: The Planning and Zoning Board's recommendations are as follows:**

1. Accept all of the proposed changes with the exception of the proposed deletion of the parking standard for restaurants in Section 30-318(j).
2. The Section 30-318(j) parking standard for restaurants should remain in place. One (1) parking space per fifty (50) sq. ft. of customer service area.

**STAFF RECOMMENDATION: We recommend the Commission approve the proposed Ordinance on first reading. Second reading will be scheduled for January 25, 2011, as directed at the December 14 roundtable. It is important to note for the record, and to inform the public, that other changes to the Town's parking regulations are being considered under the existing NOI and an additional ordinance(s) will be processed at a later date, but within the time frame established in the NOI.**

**EXHIBITS:**

1. First Proposed Ordinance for Modifications to Parking Requirements.
2. Planning and Zoning Board minutes of December 15, 2010.

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials CA

**ORDINANCE 2011-01**

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**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-272 "SETBACKS," IN THE B-1 DISTRICT, OF THE CODE OF ORDINANCES TO AMEND PARKING REQUIREMENTS; AMENDING SECTION 30-318 "MINIMUM PARKING REQUIREMENTS," TO REVISE PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY, RESTAURANTS AND THEATRES; AMENDING SECTION 30-321 "MODIFICATION OF PARKING REQUIREMENTS," TO PROVIDE PROCEDURES FOR MODIFICATION OF MINIMUM PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE**

**WHEREAS,** the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's land development regulations are current and consistent with the Town's planning and regulatory needs; and

**WHEREAS,** the Town Commission desires to revise the regulations applicable to parking for restaurants and restaurant-type uses to spur economic development and redevelopment in the Town's business districts; and

**WHEREAS,** the Town Commission desires to revise the regulations applicable to parking for places of public assembly and theatres, to provide consistency and legal defensibility; and

**WHEREAS,** the Town Commission desires to provide new procedures to allow applicants to seek modifications to the minimum parking requirements; and

**WHEREAS,** Section 30-531 of the Code requires issuance of a Notice of Intent prior to the processing of any amendment to the land development regulations in Chapter 30 of the Code, and such notice was given of this amendment on November 9, 2010; and



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(2) No building or any part thereof shall be erected on any lot closer than 30 feet from the rear lot line in the following designated areas:

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f. *Off-street parking requirements.* Off-street parking requirements in B-1 zoned area where platted parking exists in Block B, Silver Shores Unit A, Plat Book 28, page 39, Broward County Public Records; Block E, Silver Shores Unit A, as the same appears on the Official Town Map prepared by Dolph Map Co., Inc.; and Blocks J and K, Silver Shores Unit B, Plat Book 31, page 3, Broward County Public Records, are as follows:

- 1. *Business and professional offices.* All business and professional offices shall have one parking space for each 300 square feet of floor area of the building.
- 2. ~~Restaurants and bars in any B-1 location. All restaurants and bars, including businesses serving food for consumption on premises or to take out, shall have one parking space for each 50 square feet of floor area utilized for customer service.~~
- 32. *Retail stores.* One parking space for each 200 square feet of floor area of the store.
- 43. *Unplatted lots.* If off-street parking is not platted for a specific lot, then one parking space shall be required for each 700 square feet of floor area. Setback requirement areas may be utilized to comply with the parking requirements.

81 **SECTION 3. Amendment.** Section 30-318 of the Code of Ordinances is hereby amended

82 as follows:

83 **Subdivision L. – Supplemental Regulations**

\* \* \* \* \*

84 **Sec. 30-318. - Minimum parking requirements.**

- 87 (a) *Dwellings, single-family, two-family and condominiums:* two parking spaces for each dwelling.
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- 89 (b) *Dwellings, multiple-family:* 1½ parking spaces for each dwelling unit plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.
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- 95 (c) *Hotels and motels, including clubs:* One parking space for each rentable unit. A rentable unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have kitchen facilities. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable units. A two-
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bedroom, one-bath unit with only one outside door is counted as one rentable unit. If, in addition to rentable units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

- (d) *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm:* one parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.
- (e) *Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums:* one parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 50-square feet of net floor area utilized for seating—customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (f) *Churches:* one parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (g) *Funeral homes:* one parking space for each four seats in public rooms.
- (h) *Medical, dental lab, chiropractic, health studio, etc., clinics:* one parking space for each 200 square feet of floor area.
- (i) *Business, professional and governmental offices:* Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to 20,000	300
20,000 to 50,000	325
More than 50,000	350

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- (j) *Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the publicbars, beer gardens, night clubs:* one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2014, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Suspension Program."
  - (1) *Application required.* To qualify for the Parking Suspension Program, a Parking Suspension Application must be submitted, in a form to be approved by the Town, with supporting documentation.
  - (2) *Eligibility for program.* The application, and all supporting documents for the construction of a new restaurant or for a restaurant expansion, shall have

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been submitted and deemed to be complete by the Town prior to February 1, 2014, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.

(3) Status following end of program. At the end of the Parking Suspension Program, all restaurants built under the Parking Suspension Program will become non-conforming uses, and shall be subject to the requirements of the non-conforming use provisions of the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the Parking Suspension Program may be completely remodeled or rebuilt without providing parking, as originally permitted through the Parking Suspension Program, as long as the square footage of customer service area is not increased. Any increase in square footage after the program has ended must comply with the parking requirements in effect at the time of construction of increased square footage.

(4) Annual report. The Town Manager shall provide an annual report to the Commission that describes the utilization, effectiveness and impacts of the Parking Suspension Program.

(5) Notice and hearing prior to expiration of program. Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on January 31, 2014.

- (k) *Retail stores*: one parking space for each 225 square feet of floor area.
- (l) Reserved.
- (m) *Furniture stores*: one parking space for each 500 square feet of floor area of the building.
- (n) *Charter, sightseeing or fishing boats*: one parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof.
- (o) *Uses not specifically mentioned*: The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of gross floor area.
- (p) *Marinas and yacht basins*: one parking space for each boat slip and one parking space for each employee.
- (q) *Banks and savings and loan associations*: one parking space for each 235 square feet of gross building floor area.
- (r) *Gasoline service stations*: A minimum of three spaces plus one additional parking space for each 200 square feet of building or service floor area in excess of the first 600 square feet.
- (s) *Leased and rental vehicles*: one space for each leased car maintained on premises plus one space for each employee.
- (t) *Shopping centers*: Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table:

Shopping Center Size in GLA	Base Rate (1 Space For Each) (Square Feet)	Special Uses Requiring Additional Spaces Above Base Rate
Less than 50,000	225	10 spaces for each 1,000 sf of food service

		3 spaces for each 100 cinema seats
		1 space for each 700 sf of office use >10% of GLA
50,000– 100,000	250	10 spaces for each 1,000 sf of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 sf of office use >10% of GLA
100,000– 200,000	250	6 spaces for each 1,000 sf of food service
		3 spaces for each 100 cinema seats > 450 seats
		1 space for each 700 sf of office use > 10% of GLA
200,000– 400,000	250	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use >10% of GLA
400,000– 600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use > 10% of GLA
600,000– 1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use >10% of GLA

- 186 (u) *Convenience stores, grocery stores*: one parking space for each 125 square feet  
187 of floor area.  
188 (v) *Personal service shops*: one parking space for each 200 square feet of service  
189 floor area including barber shops and beauty shops.  
190 (w) *Theaters, movies or otherwise*: one space for every three fixed seats, plus one  
191 parking space for each 200 square feet of floor area in assembly rooms with  
192 movable seats.

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194 **SECTION 4. Amendment.** Section 30-321 of the Code of Ordinances is hereby amended

195 as follows:

196 **Sec. 30-321. Modification of parking requirements.** ~~The Town Commission may~~  
197 ~~approve a reduction in the minimum parking requirements after review and consideration~~  
198 ~~of a recommendation from the Board of Adjustment when:~~

- 199 (1) ~~There is a public parking lot judged adequate to accommodate a portion of~~  
200 ~~the parking demand of said use located within 400 feet straight line distance from~~  
201 ~~the site; or~~  
202 (2) ~~There is on street parking judged adequate to accommodate a portion of the~~  
203 ~~present and probable future parking demand of the general area; or~~  
204 (3) ~~There are commercial or private lots located within 400 feet straight line~~  
205 ~~distance that are judged adequate to accommodate a portion of the present and~~  
206 ~~probable future parking demand of the general area.~~

207 ~~Provided, however, the Board of Adjustment shall find that such reduction in the parking~~  
208 ~~requirements will not create a parking problem due to customers or employees using on-~~  
209 ~~street parking in the general area, and that the traffic problems in the general area will~~  
210 ~~not be materially increased. A parking study prepared in a professional manner shall be~~

211 ~~submitted with requests to waive parking requirements, said study to address existing~~  
212 ~~and future parking demands, parking availability and traffic circulation.~~

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214 Requests for a reduction in the minimum parking requirements for a commercial use  
215 may be considered by the Town upon receipt of an application in a form approved by the  
216 Town, from the owner of the site seeking the reduction, as follows:

217 (a) Minor reductions. Requests for a reduction of (i) 1 to 3 required parking  
218 spaces or (ii) up to 10% of the number of required parking spaces may be  
219 approved by the Town Manager. If the request is denied by the Town  
220 Manager, that decision may be appealed to the Town Commission.

221 (b) Major reductions. The Town Commission shall hear requests for  
222 reductions in parking in excess of the Town Manager's authority under  
223 subsection (a). Such requests shall be accompanied by a parking report,  
224 prepared by the Town, analyzing existing and future parking demands,  
225 the availability of underutilized public parking spaces, and traffic  
226 circulation.

227 (c) Criteria for approval of major or minor reduction. Requests for reduction  
228 may be approved, in whole or in part, upon a finding that there is  
229 sufficient available parking that is open to the public and is judged  
230 adequate to accommodate the parking reduction request within a  
231 reasonable walking distance of the subject property along a practical and  
232 usable pedestrian route.

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234 **SECTION 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
235 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in  
236 no way affect the validity of the remaining portions of this Ordinance.

237 **SECTION 6. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or  
238 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

239 **SECTION 7. Codification.** This Ordinance shall be codified.

240 **SECTION 8. Effective Date.** This Ordinance shall become effective immediately upon  
241 adoption on second reading.

242 **SECTION 9. Adoption.** Passed on the first reading, this \_\_\_ day of \_\_\_\_\_, 2011.

243 Passed and adopted on the second reading, this \_\_\_ day of \_\_\_\_\_, 2011.

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Mayor Minnet  
Vice-Mayor Dodd  
Commissioner Clotney  
Commissioner Sasser  
Commissioner Vincent

First Reading

Second Reading

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Attest:

\_\_\_\_\_  
Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Susan L. Trevarthen, Town Attorney

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**PLANNING AND ZONING**  
**REGULAR MEETING MINUTES**  
*Town Commission Meeting Room*  
*Wednesday, December 15, 2010*  
*6:30 P.M.*

**I. CALL TO ORDER**

Vice Chair Brandt called the meeting to order at 6:30 P.M. Members present were Vice Chair Yann Brandt, Ben Freeney, Lawrence Wick and First Alternate Eric Yankwitt. Also present were Jeff Bowman, Director of Development Services, and Town Attorney Kathryn Mehaffey. Board Secretary Colleen Tyrrell was present to record the minutes of the meeting.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was recited.

Vice Chair Brandt acknowledged the absence of Chairman Oldaker due to illness, stating he would be chairing both the regular meeting and the subsequent workshop of the Planning & Zoning Board.

**III. APPROVAL OF MINUTES**

Regular Meeting of the Planning and Zoning (P&Z) Board – September 15, 2010, and November 17, 2010

Mr. Wick made a motion to approve the minutes of September 15, 2010, and November 17, 2010, as presented, seconded by Mr. Yankwitt; In a roll call vote, the motion passed 4 – 0.

**IV. PUBLIC COMMENT**

Vice Chair Brandt noted there were no members of the public present at the meeting to comment.

**V. NEW BUSINESS**

**Project:**

**Applicant:**

**Location:**

**Request:**

(A) The Planning and Zoning Board to provide recommendations to the Town Commission on the proposed amendments to the Towns' Code of Ordinances.

**Item #1. Proposed changes to the required parking regulations and general public parking requirements**

Director of Development Services Jeff Bowman reviewed the backup information pertaining to the subject item, noting the Town Commission directed the P&Z Board to review the changes before they were sent to the Commission for a first reading.

Vice Chair Brandt reminded the Board the proposed changes had been discussed at two Commission roundtables and a Commission meeting since the last P&Z Board meeting.

Mr. Bowman indicated the only changes being considered were the ones in red; the rest of the document would be reviewed at the P&Z Board workshop taking place after the present meeting.

Mr. Yankwitt commented the question that came to mind as Mr. Bowman reviewed item J was how the report would be done: how it would be reconciled with any Master Plan; how it would be worked going forward; and the results of the interim period, how they would be measured. He wished to see some sort of verbiage addressing these concerns other than what was contained in the second number where the annual report merely said "effectiveness" and "Impact."

Mr. Bowman believed the current format was how the changes would be drafted.

Mr. Yankwitt inquired if the report would be prepared on a month-to-month basis, on an annual basis, year-to-date, etc.

Vice Chair Brandt thought it would be an annual report, and the Commission wished to understand how many parking spots were being waived in the Suspension Program; that is, what the impact would be to the Town's parking system.

Mr. Yankwitt remarked when all the data was grouped at one time and the data compared to data of the previous year or the year to come, it seemed to get "washed through" during the season. He thought there was more of a challenge during winter months than in summer months; this was the impact study in which he was more interested.

Vice Chair Brandt said the Board should make the recommendation for a change that took into account the peak and off peak seasons.

Mr. Freaney wished in ensuing years for the Board to measure the progress of the process to facilitate making comparisons from year to year and month to month. If the definitions of the parameter were insufficiently clear and detailed, the report would serve no informational purpose. He desired a financial value and comparison made of the waived parking spots based on the Town's existing parking program. The parking facilities of the town belonged to the taxpayers, and they should be informed if the Town would be losing or gaining revenue, as, in the end, the taxpayers would bear the brunt of any cost. He felt another concern he raised the previous month was related to what was supporting the subject program, and he spoke to a number of restaurateurs and Town staff over the past month to get their thoughts and input. Staff indicated over the past month there had been considerable discussion at Commission meetings and roundtables, yet he witnessed no substantive data produced to date, either by the Town's administration, restaurateurs avoiding Lauderdale-By-the-Sea, the Commission or the P&Z Board. The Board was not basing its decisions on any facts and this was of great concern, as was the impact on taxpayers. He acknowledged the Town's parking system was running in the red and this needed to be addressed, but it was important to determine how supporting the proposed changes could impact the Town's parking fund. No numbers or information had been produced and he needed to see such data before making any recommendation to the Commission, though he acknowledged the Commission already began debating the topic of discussion, as was their prerogative.

Vice Chair Brandt pointed out the proposed changes currently before the Board had been handed down by the Commission, and it was on this language the present meeting sought to gain Board input and recommendations.

Mr. Freaney inquired of Mr. Bowman if he had been supplied with any form of backup that supported the move to set up a permanent or a two- or three-year trial period exemption and the financial impact on the Town, and if there was any idea as to the type of restaurant vendors that could occupy the space.

Mr. Bowman recalled during the Commission workshop or roundtable there was discussion about the number of empty storefronts, hence the reason for the Commission seeking ways to fill those empty spaces.

Mr. Wick questioned when it became required for the Town to give up its parking and seek to make money to fill storefronts owned by private individuals. He wished to know if staff had any data on any Broward municipalities that exempted all restaurants from parking requirements.

Mr. Bowman replied staff had yet to gather such statistics.

Mr. Wick believed the Board asked staff to investigate such occurrences in Broward County at its last meeting. It bothered him that, rather than have the Town's Chamber of Commerce out to attract businesses to the Town and working with the Town, the Town seemed to be doing the reverse. The Town appeared to be giving "everything" away before worrying about anything else; it was unfair to the citizens, and he wished to know what the cost would be to the Town if the parking suspension program were undertaken, and was it fair to tell established restaurants, such as Blue Moon and Benihana they had to continue paying for parking spaces. He believed this to be anticompetitive.

Mr. Bowman explained, based on the present meeting's agenda, he was unprepared to answer such inquiries. His intended focus was on answering technical questions.

Mr. Wick asked if the Commission agreed at the previous night's meeting to suspend requiring 101 to have parking spaces.

Mr. Bowman affirmed there was some discussion about 101.

Mr. Wick believed there was discussion to reduce the fee from \$81 to \$20 or to \$12.50.

Vice Chair Brandt mentioned, as the previous night's meeting was a Commission roundtable discussion, the matter ended at the discussion point with a planned first reading with public comment at the next regular Commission meeting on January 11, 2011.

Town Attorney Mehaffey addressed the point of discussion stating, generally, there were issues and situations where the plan was to make the action retroactive; however, in the present situation the recommendation was not to make the action retroactive or selectively retroactive; there were probably other ways for that situation to be addressed.

Mr. Wick wondered if this might give undue financial advantage to restaurants coming into the Town in light of the fact that existing larger restaurants had done a good job of working to develop the Town.

Town Attorney Mehaffey affirmed the changes would create different situations for the restaurants.

Vice Chair Brandt sought to refocus the discussion on the actual language of the proposed changes under consideration, as the Commission's discussion appeared to be centered around receiving future payments by private businesses currently satisfying parking exemptions by renting spots from the Town; it was established at the Board's last meeting there were only two such businesses. The focus of the present discussion should be on the structural language of the proposed changes and related questions to staff.

Mr. Wick thought the issue of possibly creating an unfair advantage was a matter the Board should bring to the Commission's attention in its written recommendations.

Vice Chair Brandt observed, with regard to striking out line item J of bars, beer gardens, nightclubs, he did not see this as an addition on any other line item; he wondered if staff was adequately monitoring parking regulations for those businesses as well, or had those uses been eliminated from the Town's business use code.

Mr. Bowman responded they were never a part of the business use code, so they served no purpose.

Mr. Wick felt it was unacceptable to go to zero, suggesting everyone be given the same advantage and, therefore, strike J in its entirety and direct staff to come back with corrective ideas. He did not believe the Board was prepared to pass the proposed changes and recommend their approval by the Commission. He understood Board members were appointed by different Commissioners, but if a Board member disagreed with a proposed change, they should discuss the matter with their appointing Commissioner; he had done so previously and was told the Commission desired individuals on the Board willing to think on their feet and help the Commission. He sought feedback from the Board to either strike J completely and have staff redraft the language, or send J to the Commission with a no-confidence vote.

Mr. Yankwitt questioned if there was any correlation to the provision in J with the Town's Master Plan or the Master Plan Steering Committee. It seemed premature to try to entice existing business owners to revitalize or try to attract new businesses while not knowing what the parking situation would be in two years or until the Master Plan was revised and completed.

Mr. Freney pointed out one of the issues he had with item J was whether businesses would be grandfathered in. If a business opened in Lauderdale-By-The-Sea, once the period of time ended, there should be no issue with grandfathering them in, and such language could be reflected in the proposed changes. He said most of the changes in the subject ordinance were housekeeping changes. Item J stood out from the other changes, as it proposed something new, and he too supported striking J and voting to send the rest of the changes to the Commission for a vote.

Vice Chair Brandt wished to see if the proposed changes moved forward as written, the required application should become an addendum to the business use license request, making it one application as a whole.

Vice Chair Brandt disagreed with the application as a whole but, if there were an application, he preferred to see it not be as big of a barrier to opening the business as it was. The way the subject matter proceeded was with a huge lack of foresight by those who did not support the full exemption; this was a full exemption that was for a three-year period, and a full exemption as a whole would have any time frame, as no government was permanent. Thus, the amount of time the Town administration spent fighting the subject matter would be better served doing something more beneficial in the grand scheme of things.

Assistant Town Manager Bud Bentley indicated he was unaware of any staff efforts to fight the subject program, as they received direction from the Commission at a workshop and, at their request, a week later an item was placed on the Commission agenda. He explained to the Commission the item was placed on the agenda as thought out as it was possible within the week allowed, and it was done within the parameters of what staff felt was the Commission's voiced desires. The Commission's direction to staff at the workshop indicated there would be a program, and the word "exemption" was consistently use; staff focused on how long the program would last and how it would end. He noted the ending of a program that was described to staff as temporary, and parking regulations would be reinstated when there was a parking problem; the subject program was meant as a stimulus program and led staff to believe it was for an indefinite period of time. The actual program by staff quickly focused on how the program would come to an end, and how the business community would be informed of that, and the property rights would be vested with the property and how they would continue. Mr. Bentley commented that staff's recommendations were accepted by the Commission, and he took some umbrage to the comments that staff and the Town administration was not in support of the changes; staff was given directions by the Commission and carried them out to the best of their ability.

Vice Chair Brandt noted at the first Commission roundtable there was clear direction for staff to proceed with formulating an exemption and a suspension program came back; this was where his abovementioned comments were leading. There appeared to be some consensus of support from the Board and he requested a motion.

**Mr. Wick wished to make a motion to amend item J, striking all additions and deletions shown in red, leaving the parking requirements status quo keeping one parking space for each 50 square feet of floor area in rooms for customer service.**

**Mr. Wick made a motion to amend item J as discussed above, seconded by Mr. Freney. In a roll call vote, the motion passed 3 - 1.**

**Mr. Wick made a motion to approve the subject changes as reflected in the backup and have them go forward to the Commission, seconded by Mr. Freney. In a roll call vote, the motion passed 3 - 1.**

**VI. OLD BUSINESS**

None

**VII. UPDATES/BOARD MEMBER COMMENTS**

Mr. Wick thanked everyone for contributing toys to the toy boxes placed around the Town. He commended the 200 plus people who turned out and had their picture taken with Santa the previous Saturday at Marie White's Santa-By-The-Sea; it was by far the best one the Town hosted.

Mr. Yankwitt thanked everyone for watching the present meeting and wished them a happy holiday season and a prosperous New Year.

Mr. Freney wished everyone happy holidays, though he wished for a better attendance at the meeting. From his standpoint, he was all about increasing the potential for business in the community, as it was a vital part of the community's life along with the residents. In no way was he against any growth or new business coming to the Town. He believed the Board was originally given the task of revising the Town's existing parking code with a view to modernizing it and making it more business friendly, and more work needed to be done in this regard as a whole and not on a piecemeal basis. It all should be about the Town's Master Plan, and the items should not be piecemealed, as this was not according to the Plan. He looked forward to the Commission continuing their debate and hoped someone would come forward with some substantive information to support the decision-making process pertaining to the Town's entire parking system.

Plan, and the items should not be piecemealed, as this was not according to the Plan. He looked forward to the Commission continuing their debate and hoped someone would come forward with some substantive information to support the decision-making process pertaining to the Town's entire parking system.

Vice Chair Brandt thanked staff for all the work they had done in the present year to help the Board in its decision making in an effort to provide the Commission with the best advice possible. As an advisory body for the Town's Land Development Code and items such as the subject of discussion, the Board saw things individually, such as the time code, the parking code, etc. The P&Z Board was not a part of the Master Plan Steering Committee, though there might be a way to merge some of the views on a long term basis. As a whole, the Board examined things that were in the best interest of the Code, taking direction from the Commission one-by-one or as a body. He was disappointed with the direction of the Town's parking code, but this was part of the governing system. The lesson learnt was that all the people fighting for a decrease in parking regulations for about 15 years should have been present at the meeting, including nongovernmental organizations, such as the Chamber of Commerce, as well as other businesses in support of the changes. He thought the Commission was flexible, and if people who were opposed to the changes spoke with some of the Commissioners things would have turned out differently. For the new year, he encouraged everyone that could benefit from the changes or wished to see the Town prosper in a particular way they favored to get involved. He wished everyone Seasons Greetings and a Happy New Year; he looked forward to working with them in 2011.

**VII. ADJOURNMENT**

There being no further business to discuss, Mr. Wick made a motion to adjourn the meeting at 7:20 p.m., December 15, 2010.

ATTEST:

\_\_\_\_\_  
Chairman Alfred Oldaker

Date Accepted: \_\_\_\_\_

Colleen Tyrrell, Board Secretary

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