

Frank Shockey

From: Carleton819@aol.com
Sent: Friday, August 07, 2009 12:57 PM
To: Frank Shockey; Anne Dalton (adalton@daltonlegal.com)
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Subject: from Carleton for LPA

Frank and Ann,

Please convey this message to the LPA at their meeting on August 11th that I will not be able to attend. I have a strong objection to two of the definitions in the draft open container ordinance that I express as follows.

1. Section 4 Definitions:

*“Semi-public parking lot means any area wherein motor vehicles are **parked by the public** in conjunction with any business, enterprise, commercial or noncommercial establishment, office building **or multiple-family building**”.*

*“Semi-public parking lot” includes **multiple-family building** as places that open containers are not permitted.*

A multifamily building is not a commercial use and should not be included in the definition. I am an owner and live in a 30 unit multifamily building (zoned RM-2, not commercial) owned by 30 individuals. Whether some of the owners choose to reside or rent out their unit is no different than a single family home being rented. To say that a unit owner or their guests cannot have a beer in their parking lot if they so choose is unreasonable and in my opinion discriminatory. Moreover, if this rule was widely and clearly understood and known by all condominium owners, I suspect that there would be a pretty loud response.

The other part of the definition that is troublesome and vague is the words, **“parked by the public”**.

We do not allow the “public” to park in our lot; it’s for owners and guests only, which is the case for all condominium buildings that I am aware of. If that assertion is true then the implication is that it is applied only to nonresidential uses because residential uses do not allow the public to park on their property. It is not confusing however, if applied to the uses in the definition other than multiple-family building.

If you wanted to make the distinction, between a multifamily building and an **“apartment building”** meaning 100% rental unit properties that may or not be

less objectionable.

I recommend that the words "or multiple family building" be deleted from the definition.

2. The definition of the words "Public area" includes the words "semi-public parking lot" which is a spin-off of the first definition above. It can be retained if the definition of semi-public parking lot is amended as suggested.

Thank you for taking my opinion into consideration.

/s/ Carleton Ryffel, AICP

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