

**CITY OF PALMETTO
CITY COMMISSION WORKSHOP MEETING
November 3, 2014
4:30 PM**

*PLEDGE OF PUBLIC CONDUCT
We may disagree, but we will be respectful to one another.
We will direct all comments to issues.
We will avoid personal attacks.*

516 8th Avenue West
Palmetto, Florida 34221

(941) 723-4570
<http://www.palmettofl.org>

Shirley Groover Bryant, Mayor

Commission Members

**Jonathan Davis, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3**

1. FEBRUARY 2015 BOAT REGATTA DISCUSSION

This item will be placed on the 7:00 p.m. agenda for approval of the proposed plans as discussed during the workshop.

2. ORDINANCE 2014-07 OUTDOOR EATING AND DRINKING ESTABLISHMENTS (M. Barnebey)

(TAB 1)

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail jfreeman@palmettofl.org or afoley@palmettofl.org.

POSTED: October 30, 2014

ORDINANCE NO. 2014-07

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR AMENDMENTS TO THE ZONING CODE RELATED TO OUTDOOR EATING AND DRINKING ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to regulate land development and the use of property within the City for the protection of the public health, safety and welfare; and

WHEREAS, there are noise and light impacts related to the operation of Outdoor Eating and Drinking Establishments; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF PALMETTO, FLORIDA:**

Section 1. **Amendment to Zoning Code.** The Palmetto Code of Ordinances is hereby amended to amend the sections of Appendix B as follows:

A. Amend Section 3.2 to add the following definition:

Outdoor eating or drinking establishments: Any eating or drinking establishment, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot. This definition includes are deck or other area constructed and/or utilized on the roof of a structure.

B. Amend Section 4.2 to add Outdoor Eating and Drinking Establishment as a conditional use in the CN, CC, CG and CHI Zoning Districts, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

C. Amend Section 10.3(m) to read as follows:

(m) Eating and drinking establishments, including outdoor eating and drinking establishments, catering establishments, delicatessens and bakeries with products sold at retail on premises.

D. Section 6.25 is added to read as follows:

Section 6.25. Outside Eating or Drinking Establishment. Any person or business owning or operating an outdoor eating or drinking establishment shall identify that use as part of a conditional use permit or planned development application, and shall provide, as part of the application, a diagram of the layout for the seating and any entertainment to be located outdoors. At a minimum, an outdoor eating or drinking establishment utilizing outdoor sound amplification equipment, shall be subject to the following criteria:

- (1) No outdoor eating or drinking establishment shall operate outdoors between 12:00 a.m. and 6:00 a.m.
- (2) For outdoor restaurants, bars or other establishments adjacent to a public right-of-way, public easement, public

property, or public or private body of water, any amplification devices shall be directed away from any adjacent public right-of-way, public easement, public property, or public or private body of water; and to the extent practicable, shall be directed away from residential uses.

- (3) No outdoor eating or drinking establishment shall operate any outside sound amplification equipment after 10:00 p.m. and before noon.
- (4) Authorization to operate an outdoor eating or drinking establishment shall be initially effective for one year, but shall be renewed automatically provided that no repeat violation of this Section 6.25 or Article I of Chapter 5 of the Palmetto Code of Laws has occurred during the year prior to renewal. If there has been repeat violation of Section 6.25 or Article I of Chapter 5 of the Palmetto Code of Laws, the conditional use permit or other authorization shall not be subject to possible non-renewal and may be terminated in accordance with this code.

Section 3. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 4. AmetORIZATION. Existing Outdoor Eating and Drinking Establishments shall have until June 30, 2015 to submit and diligently pursue application to bring such establishment into compliance with this ordinance. The City shall process such applications in the regular course of business.

Section 5. Codification. The publisher of the County's Code of Laws, the Municipal Code Corporation, is directed to incorporate this article into the Code of Ordinances where indicated.

Section 6. Effective Date. This Ordinance shall take as provided for by law and by City Charter Section 14, upon execution by the Mayor, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	
PUBLICATION DATE	
SECOND READING	

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled this _____ day of _____, 2014.

By: _____
Shirley Groover-Bryant, Mayor

Attest:

By: _____
James R. Freeman, City Clerk