

**CITY OF PALMETTO  
CITY COMMISSION WORKSHOP MEETING  
November 17, 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.*

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516 8<sup>th</sup> 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**

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**1. 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](mailto:jfreeman@palmettofl.org) or [afoley@palmettofl.org](mailto:afoley@palmettofl.org).

POSTED: November 13, 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 REGULATIONS RELATED TO OUTDOOR EATING AND DRINKING ESTABLISHMENTS UTILIZING OUTDOOR SOUND AMPLIFICATION EQUIPMENT; 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~~ there are potential noise issues related to outdoor eating and drinking establishments utilizing outdoor sound amplification equipment, including potential prolonged daily noise intrusion to surrounding properties; and

WHEREAS, facility design, screening, buffering and hours of operation can aid in controlling of outdoor sound amplified equipment impacts; and

WHEREAS, the Commission has attempted to balance the desire for a vibrant urban community and the impacts of noise issues on surrounding properties; 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.** Appendix "B" of 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 has seating located exists outside of the permanent exterior walls of the principal building(s) on a lot. This definition includes ~~are~~ decks or other areas constructed and/or utilized on the roof of, attached to, or adjacent to a structure.*

B. Amend Section 4.2 to add Outdoor Eating and Drinking Establishment utilizing outdoor sound amplification equipment 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 Utilizing Outdoor Sound Amplification Equipment.**

Any person or business owning or operating an outdoor eating or drinking establishment utilizing outdoor sound amplification equipment 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 door sound amplification equipment after 10:00 p.m. and before noon.~~
- ~~(4) Authorization to operate an outdoor eating or drinking establishment which utilizes outdoor sound amplification equipment 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 may be terminated as provided in this code, but may be requested through a new conditional use or planned development application..~~

**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 which utilize outdoor sound amplification equipment shall have until June 30, 2015 to submit and diligently pursue an 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