

**SPECIAL
CITY OF PALMETTO
CITY COMMISSION MEETING
April 25, 2016
5:30 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

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

Anyone wishing to speak before the City Commission or the CRA Board must complete the Speakers Card prior to the meeting, stating name, address and topic to be addressed. Speakers making public comment will be sworn-in. All comments will be limited to two minutes.

Call to order.

Swearing-in of all persons intending to address City Commission.

1. CITY COMMISSION AGENDA APPROVAL

Action Request: Motion to approve the April 25, 2016 Agenda.

2. PUBLIC COMMENT

Public Comment: Comments shall be limited to two minutes. Commission does not generally take action on any matter raised during these public comments, but may direct the matter to be placed on the agenda of a future meeting, if appropriate.

3. PUBLIC HEARING ORDINANCE 2016-08 MORATORIUM DOWNTOWN ZONING (D. Woithe/M. Barnebey) **(TAB 1)**

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR APPLICATION FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS SERVICE STATION, AUTOMOTIVE REPAIR-MINOR AND AUTOMOTIVE REPAIR-MAJOR WITHIN AN AREA BOUNDED BY THE CSX RAILROAD TO THE EAST, THE MANATEE RIVER TO THE SOUTH AND BY PROPERTIES BORDERING ON BOTH SIDES OF 11TH AVENUE WEST TO THE WEST AND ON BOTH SIDES OF 10TH STREET WEST TO THE NORTH; PROVIDING SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT UNTIL APRIL 30, 2017, UNLESS TERMINATED BY THE CITY COMMISSION AT AN EARLIER DATE; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Open the public hearing. Close the public hearing after public comment.

Action Request: Motion to adopt Ordinance 2016-08.

4. ADJOURNMENT

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: April 21, 2016



**City of Palmetto
Planning & Zoning Board
Agenda Item**

Meeting Date

04-25-2016

Presenter: **Debra Woithe, City Planner
Mark Barnebey, City Attorney**

Department: **Public Works/City
Attorney**

Title: Temporary Moratorium Automotive Repair and Service (ORD 2016-08)

It has come to staff's attention that there is a need to review the review the City standards for service stations and automotive repair uses, particularly in the downtown area, as they have the potential for aesthetic and operation impacts on the City and nearby properties. Attached is a temporary moratorium for these types of uses in a limited area downtown until April 30, 2017. The moratorium will allow time to consider, and if appropriate, adopt revisions to the zoning code to better regulate such businesses downtown as well as elsewhere in the City. Development and uses in the downtown core should be consistent with the urban themed, residential, commercial and recreational activities proposed under the Comprehensive Plan and Downtown Design Code for a vibrant downtown.

The attached map shows the proposed area for the moratorium in blue as well as the Downtown Core character districts in orange (Downtown Waterfront, Midtown and Uptown). Uses to be temporarily prohibited include Automotive Repair-major, Automotive Repair-minor, and Service Stations. These three uses are currently allowed in CC (Commercial Core), CG (Commercial General) and CHI (Heavy Commercial Industrial). Relevant definitions and permitted and conditional uses by district have been extracted from the City Code and attached for reference.

The moratorium will not have any impact to continue existing operations at services stations or automotive repair establishment within the area affected by the moratorium, even if there is a transfer of the business or property to another entity.

City Attorney Reviewed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	2030 Comp Plan
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Motion Requested: Motion to adopt Ordinance 2016-08

Staff Contact: Debra Woithe or Mark Barnebey | City Planner or Attorney | 941-723-4580 Ext. 2135

Attachments: Draft Working Map, Draft Ordinance 2016-08, Use Table and Definitions

ORDINANCE NUMBER 2016-08

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR APPLICATION FOR THE ESTABLISHMENT OF BUSINESSES KNOWN AS SERVICE STATION, AUTOMOTIVE REPAIR-MINOR AND AUTOMOTIVE REPAIR-MAJOR WITHIN AN AREA BOUNDED BY THE CSX RAILROAD TO THE EAST, THE MANATEE RIVER TO THE SOUTH AND BY PROPERTIES BORDERING ON BOTH SIDES OF 11TH AVENUE WEST TO THE WEST AND ON BOTH SIDES OF 10TH STREET WEST TO THE NORTH; PROVIDING SUSPENSION OF ANY SUCH ZONING, PERMITTING AND LICENSING; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT UNTIL APRIL 30, 2017, UNLESS TERMINATED BY THE CITY COMMISSION AT AN EARLIER DATE; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING 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, the City has actively pursued redevelopment of the primary Downtown Area and entranceway from Bradenton as a primarily mixed use retail, office, dining and residential area; and

WHEREAS, Service Stations and all types of Automotive Repair can have adverse compatibility and aesthetic impacts with the types of redevelopment being pursued for this area; and

WHEREAS, the City wants to review whether Service Stations and all types of Automotive Repair should be allowed in the Downtown Area or the entranceway from Bradenton, and if so, under what conditions and review standards; and

WHEREAS, the City Commission for the City of Palmetto, Florida, desires to protect individual rights, while at the same time promoting the health, safety, and welfare of the people, including the compatibility of development and aesthetic impacts of development in the Downtown Area of the City of Palmetto finds that the City of Palmetto; and

WHEREAS, in order to ensure the uniform enforcement of existing laws, and preserve the public peace and good order, and to safeguard the health, safety, morals, and welfare of the community and citizens thereof, it is necessary and advisable to enact a temporary moratorium on the permitting approvals of Service Stations and Automotive Repair facilities in the Downtown Area, as defined herein; and

WHEREAS, the City Commission for the City of Palmetto, Florida finds it necessary for the promotion of the public safety and welfare that this ordinance be enacted; and

WHEREAS, implementation of this Ordinance is in the best interest of the citizens of the City of Palmetto.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF CITY OF PALMETTO, FLORIDA, THAT:

SECTION 1: The aforementioned recitations are incorporated herein by reference.

SECTION 2: TITLE

This Ordinance shall be known and may be cited as the "Downtown Service Station and Automotive Repair Moratorium Ordinance"

SECTION 3: DEFINITIONS

For the purpose of this Ordinance, the following terms are defined as follows:

(a) **Person:** means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer, manager, or employee of an association, partnership, joint venture, corporation, or other organization.

(b) **Downtown Area:** means the area of the City of Palmetto bordered by the CSX Railroad line to the east, the Manatee River to the south, and by properties bordering on both sides of 11th Avenue West and 10th Street West to the north.

(c) **Service Station:** means an establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, services may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel.

(d) **Automotive Repair – Minor:** means an establishment which performs one or more of the following services:

(1) Sale and service of spark plugs, batteries, and distributor and ignition system parts.

(2) Sales, service and repair of tires, but not recapping or regrooving.

- (3) Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluids, lightbulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
- (4) Radiator cleaning, flushing, and fluid replacement.
- (5) Greasing and lubrication.
- (6) Providing and repairing fuel pumps, oil pumps, and lines.
- (7) Minor adjustment and repair of carburetor.
- (8) Emergency repair of wiring.
- (9) Adjusting brakes and installing exchange brake shoes.
- (10) Minor motor adjustment not involving removal of the head, engine, transmission, rear end, or crankcase and grinding valves.
- (11) Wheel balancing.
- (12) Battery recharging.
- (13) Warranty maintenance and safety inspections.
- (14) Other minor servicing of a similar intensity to those listed above.

(e) **Automotive Repair – Major:** means an establishment which performs automotive repairs or servicing not listed under “Automotive Repair – Minor,” including but not limited to, body shops.

SECTION 4: BOUNDARIES SUBJECT TO THE MORATORIUM

This ordinance shall be applicable to all properties located within the boundaries of the Downtown Area of City of Palmetto.

SECTION 5: INTENT

(A) The intent of the City Commission acting as the governing body of the City of Palmetto, Florida in adopting this ordinance is to prohibit the unregulated growth of business

which are Service Stations, Automotive Repairs – Major and Automotive Repairs – Minor within the Downtown Area of the City of Palmetto until it has had an opportunity to review and if necessary, amend the regulations relating to the permitting and approval of such uses.

SECTION 6: TEMPORARY MORATORIUM

A temporary moratorium is established to prohibit filing and/or application for zoning or permitting of Service Stations, Automotive Repairs – Major and Automotive Repairs – Minor within the Downtown Area, which are not established and conducting business as of the effective date of this Ordinance. Further, a temporary moratorium is established suspending the processing of any zoning or permitting for Service Stations, Automotive Repairs – Major and Automotive Repairs – Minor. This temporary moratorium shall be in place from the effective date of this Ordinance through April 30, 2017. The City Commission may rescind this moratorium or extend this moratorium for periods of up to six months by resolution.

SECTION 7: ENFORCEMENT, PENALTIES, AND INJUNCTIVE RELIEF

The City's code enforcement officers, law enforcement, or any other person authorized to enforce county ordinances in the City of Palmetto may enforce the provisions of this ordinance. Any enforcement action or legal remedy available under controlling state law including, but not limited to, prosecution as a misdemeanor with a fine not exceeding Five-Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days or by both fine and imprisonment, may be imposed as a penalty. Nothing contained herein shall prevent the City from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

- (a) Code Enforcement action pursuant to City of Palmetto Ordinances;

- (b) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
- (c) Initiating an action to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or
- (d) Utilizing any other action or enforcement method allowable by law.

SECTION 8: REPEAL OF LAWS IN CONFLICT

All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 9: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 10: EFFECTIVE DATE

This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes. This ordinance shall not be codified.

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 April, 2016.

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT
MAYOR

ATTEST:

By: _____
James R. Freeman, City Clerk

Relevant Definitions from the City of Palmetto Code of Ordinances

Body shop, automotive: Automotive body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition for a reasonable period of time during which they are actively being restored to operating condition.

Junk: Any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

Junkyard: The use of more than one thousand (1,000) square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap material from the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile or motor vehicle graveyard. (See [section 6.13](#) for regulations.)

Motor vehicle repair—Minor.

- (1) Sale and service of spark plugs, batteries, and distributor and ignition system parts.
- (2) Sales, service and repair of tires, but not recapping or regrooving.
- (3) Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluids, lightbulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
- (4) Radiator cleaning, flushing, and fluid replacement.
- (5) Greasing and lubrication.
- (6) Providing and repairing fuel pumps, oil pumps, and lines.
- (7) Minor adjustment and repair of carburetor.
- (8) Emergency repair of wiring.
- (9) Adjusting brakes and installing exchange brake shoes.
- (10) Minor motor adjustment not involving removal of the head, engine, transmission, rear end, or crankcase and grinding valves.
- (11) Wheel balancing.
- (12) Battery recharging.
- (13) Warranty maintenance and safety inspections.
- (14) Other minor servicing of a similar intensity to those listed above.

Motor vehicle repair—Major: Any automotive repairs or servicing not listed under "Minor," above, including, but not limited to, body shops.

Open storage: The storage outside of a building, or within buildings with less than three (3) sides, of materials; supplies; merchandise; equipment; commercial, recreational, or domestic vehicles, boats and like items, but excluding junk.

Service station: An establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, services may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel.

Vehicle repair: An establishment whose principal use is the service, repair, and/or painting of any vehicle such as an automobile, ambulance, boat, farm machinery, motorcycle, motor home, truck or travel trailer.

Relevant Uses from Table 4.2. Schedule of permitted and conditional uses by district

X=Permitted use
 C=Conditional use
 - =Prohibited use

Use	Zoning District													
	E-R	RS-1	RS-2	RS-3	RS-4	MHP-1	RM-5	RM-6	GO	CN	CC	CG	CHI	P
Junkyards (see section 6.13)	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Open storage (see section 6.6)	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Gas station	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Lumber and other building materials	-	-	-	-	-	-	-	-	-	-	-	X	X	-
Mobile home, boat, and RV sales	-	-	-	-	-	-	-	-	-	-	-	X	X	-
Motor vehicle sales and rental	-	-	-	-	-	-	-	-	-	-	C	X	X	-
New boat sales(see section 6.20)	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Service station	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Motor vehicle repair—Minor	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Motor vehicle repair—Major	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Car wash	-	-	-	-	-	-	-	-	-	-	-	X	X	-



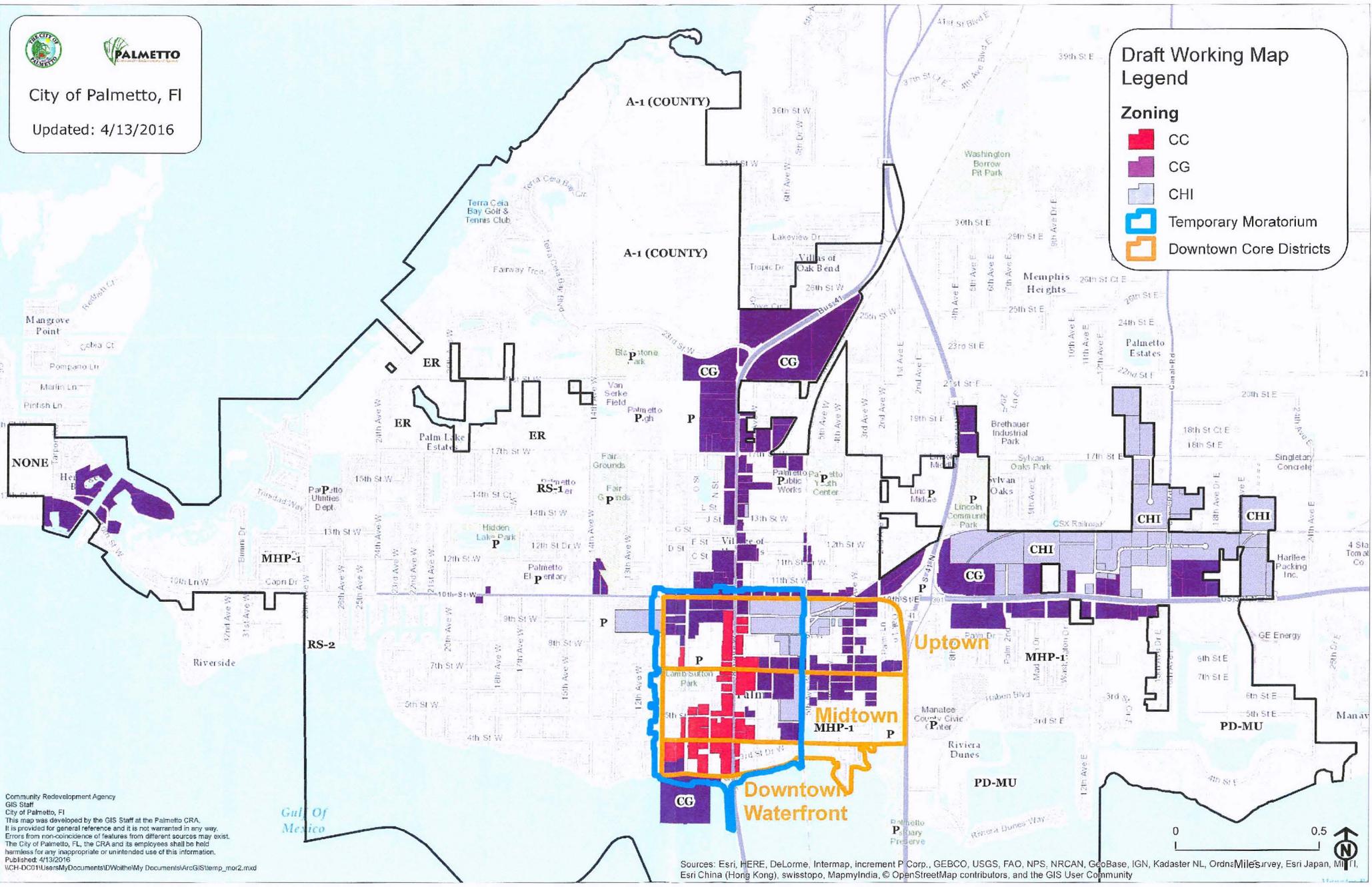
City of Palmetto, FL

Updated: 4/13/2016

Draft Working Map Legend

Zoning

-  CC
-  CG
-  CHI
-  Temporary Moratorium
-  Downtown Core Districts



Community Redevelopment Agency
 GIS Staff
 City of Palmetto, FL
 This map was developed by the GIS Staff at the Palmetto CRA.
 It is provided for general reference and it is not warranted in any way.
 Errors from non-coincidence of features from different sources may exist.
 The City of Palmetto, FL, the CRA and its employees shall be held
 harmless for any inappropriate or unintended use of this information.
 Published: 4/13/2016
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