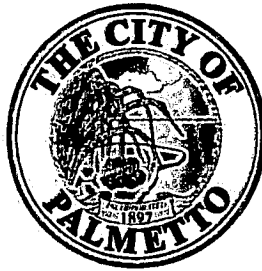


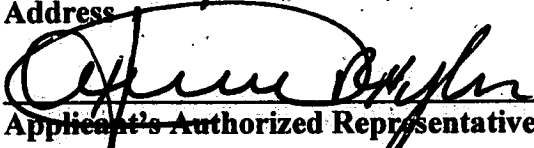
**TAB 4**

RECEIVED  
MAY 8 2009  
CITY HALL



APPLICATION FOR SPECIAL PERMIT EXCEPTION  
TO THE CITY'S NOISE ORDINANCE

APPLICATION MUST BE FILED NO LESS THAN THIRTY (30) DAYS PRIOR TO  
THE DATE OF EVENT OR OCCURRENCE.

Ken Nyhus  
Applicant's Name  
Bradenton Yacht Club  
4307 Seward Island Rd.  
Palmetto, FL 34221  
Address  
  
Applicant's Authorized Representative

June 28, 2008  
Event Date  
941-722-5936  
Telephone

The Applicant hereby applies for a Special Permit Exception (SPE) to certain provisions of the City of Palmetto's Code regarding the prohibition of and abatement of noise disturbances on private and public properties. The SPE is sought for:

1. DESCRIPTION OF ACTIVITY/EVENT FOR WHICH SPE IS REQUESTED:

BNC New Fiscal Year Kick off Party: We wish to have a band play from 4:00 pm. to Dark, then do a 15 minute low level fireworks display shot from a barge in the Manatee River.

2. ESTIMATED ATTENDANCE: 200 people

3. PROJECTED OR PROPOSED HOURS OF EVENT: From 4:00 To 9:00

4. STATEMENT OF GENERAL COMMUNITY IMPORTANCE OR BENEFIT:

This is an event to celebrate the history & tradition that is our "Change of Watch". We plan to invite the surrounding neighbors to participate in the festivities

5. IDENTIFY PROPOSED EFFECTIVE MITIGATION MECHANISMS:

We will position our band & sound system to provide as little inconvenience as possible. We plan to invite the surrounding community to partake, thus enjoying the event rather than be impacted

6. ANY ALTERNATIVE LOCATIONS FOR EVENT/ACTIVITY:

The event is scheduled on our property, there is no alternative site. Our property would handle the entire event

7. NAME AND NUMBER OF RESPONSIBLE PARTY TO BE CONTACTED DURING EVENT/ACTIVITY:

Ken Nyhus, GM/COO @ 941-374-0017 cell phone

I AM AWARE THAT in determining whether or not an SPE shall be issued, the City Commission shall, at a minimum, consider the nature of the event; its possible adverse effects; its importance to the general community and potential benefit the event may have upon the City and the general public; the number of participants at the event; the time of the event; proposed effective mitigation mechanisms; and the availability of alternative locations. Review of a denial of an SPE shall be to the Circuit Court in and for Manatee County and must be filed within thirty (30) days of the date of the City Commission decision relating to the SPE. Review shall be based solely upon the record generated before the City Commission. The burden is upon the applicant to establish by substantial, competent evidence that the activity for which the SPE is sought has the means to effectively mitigate potential adverse effects and impacts upon surrounding property owners and residents.

Internal Use Only  
Date Received:  
\_\_\_\_\_

Ken Nyhus  
Applicant

CITY COMMISSION APPROVAL: \_\_\_\_\_