

TAB 9

**CITY OF PALMETTO
ORDINANCE NO. 2010-19**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, SECTION 28-74, TO ADD PROVISIONS RELATED TO THE JOINT USE OF PARKING FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; 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, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of 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.

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

Section 1. Amendment of Section 28-74 of the City of Palmetto Code of Ordinances. Section 28-74 of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 28-74. Joint Use of Facilities and Spaces.

- (a) Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading spaces for two (2) or more buildings or uses, if the total of such spaces when used together are not less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this chapter except as may be set forth below.

Cumulative parking requirements for joint use facilities may be reduced by a maximum of 20% of the cumulative parking requirement if the City Planner determines that one or more of the following exists:

- Joint uses have different peak hours of operation or conversely, if they share the same patrons; or
- Joint uses are located in a pedestrian-oriented setting where there is adequate parking available to the public to serve the proposed use and the other land uses which the parking is intended to serve; or
- Joint uses are complementary to each other where periods of usage of such buildings will not be simultaneous (such as church buildings, for example); or
- Joint uses are located in the Commercial Core and meet the provisions of the Downtown Design Guidelines.

The City Planner may approve an alternative parking plan if the information submitted by the applicant demonstrates that an adequate number of spaces for the proposed use, when reviewed with other existing or previously approved uses by the city in the area, would exist even if the number of parking spaces does not meet the specific requirements of Section 28-78 of this Code.

- (b) Approval of a parking plan to reduce the cumulative parking requirements by more than 20% shall be approved by the City Commission.
- (c) An agreement for such joint use, in the form of a long-term lease, or other methods acceptable to the City Attorney, shall be filed with the City Planner and recorded by the City at the expense of the applicant in the Public Records of Manatee County.

- (d) A Site Plan shall be submitted indicating the number of parking spaces and the type of uses seeking a joint use parking alternative for the City Planner's signature. Any change of use shall trigger an evaluation of the approved site plan by the City Planner.

Joint parking facilities shall be evaluated based on the uses proposed, and existing uses on adjoining properties, and any such parking approval shall be limited to those uses subsequently approved by the City Planner.

Section 2. Repeal of Ordinance. This Ordinance hereby repeals any and all provisions of ordinances in conflict herewith to the extent of such conflict.

Section 3. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 4. 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 of the City Commission.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 6th day of December, 2010.

First Reading: November 15, 2010

Publication: November 26, 2010

Second Reading and

Public Hearing: December 6, 2010

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

By: _____

SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____

City Clerk/Deputy Clerk.