

TAB 8



City of Palmetto Agenda Item

Meeting Date

12-03-12

Presenter: **Mark P. Barnebey**

Department: **City Attorney**

Title: **Extension of the Temporary or Portable Food Vendors Moratorium - Resolution 2012-40**

ISSUES:

The City has had an increasing number of operating or temporary or portable food and drink vendors throughout the City. The City would like time to examine issues related to these types of uses as to ensure that issues related to traffic flow, parking needs, noise, lighting, and other health, safety and welfare issues before additional facilities have begun operation. Permanent food vendor establishments must comply with the City land development regulations including appropriate site plan. On May 21, 2012, City Commission adopted Ordinance 2012-08 establishing a moratorium on permitting such vendors, which moratorium is scheduled to expire December 31, 2012.

DISCUSSION:

City staff is proceeding with an evaluation of the need for and type of regulation necessary to promote the public health, safety and welfare and adoption of appropriate regulation or franchise agreements. However, this evaluation is not completed and if the Commission wishes to keep the moratorium in place until final action is taken, adoption of Resolution 2012-40 is needed. This will extend the moratorium for six (6) months until June 30, 2013.

Budgeted Amount: Budget Page No(s): Available Amount: Expenditure Amount:

Additional Budgetary Information:

Funding Source(s): Sufficient Funds Available: Yes No Budget Amendment Required: Yes No Source:

City Attorney Reviewed: Yes No N/A Advisory Board Recommendation: For Against N/A Consistent With: Yes No N/A

Potential Motion/Direction Requested:

Staff Contact:

Attachments:

RESOLUTION 2012-40

A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA EXTENDING THE MORATORIUM AS TO THE FILING AND/OR PROCESSING OF APPLICATIONS FOR TEMPORARY AND PORTABLE FOOD VENDORS ADOPTED PURSUANT TO ORDINANCE 2012-08; PROVIDING THAT SAID MORATORIUM SHALL BE IN EFFECT ENDING JUNE 30, 2013 OR SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY AND PORTABLE FOOD VENDORS; 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 resolutions in furtherance thereof; and,

WHEREAS, the City Commission adopted Ordinance 2012-08 establishing a moratorium relating to permitting/approval and use of temporary and portable food vendors ("Moratorium"); and

WHEREAS, the Moratorium established in the Moratorium Ordinance is scheduled to expire on December 31, 2012; and

WHEREAS, the City is still in the process of reviewing the impacts of such resolution and codes to determine whether amendments to its various planning and regulatory codes are appropriate; and

WHEREAS, Section 5 of Ordinance 2012-08 provides for an extension of the Moratorium for a period of six months by adoption of a resolution; and

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

WHEREAS, extension of the Moratorium is in the best interest of the citizens of the City of Palmetto.

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

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

SECTION 2: The Moratorium established pursuant to Ordinance 2012-08 is hereby extended for a period of six (6) months to June 30, 2013.

SECTION 3: This Resolution 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.

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 _____, 2012.

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