

**MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
APRIL 18TH, 2013 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair
JAMES PASTOR, Vice Chair
LEON KOTECKI

JON MOORE
CHARLIE UGARTE

ALSO IN ATTENDANCE:

LORRAINE LYN, CITY PLANNER
CHAR PATTERSON, PLANNING TECH
SCOTT RUDACILE, ASSISTANT CITY ATTORNEY
WILL ROBINSON, ASSISTANT CITY ATTORNEY

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, Stating name, address and topic to address. All comments will be limited to two minutes.

ORDER OF BUSINESS:

1. **Approval of March 21st, 2013 Meeting Minutes**
March 21st, 2013 Meeting Minutes



Tab 1

Motion by Mr. Ugarte to approve the March 21st, 2013 as presented. Mr. Pastor seconded. **MOTION CARRIED UNANIMOUSLY.**

2. **PUBLIC HEARING CONTINUED FROM MARCH 21ST, 2013:**

REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA



Tab 2

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE FOR A DEFINITION OF MOBILE VENDORS; REVISING THE CURRENT TEMPORARY USE PERMIT CRITERIA AND ADDING CRITERIA FOR USE AND OPERATION OF MOBILE VENDORS, INCLUDING PUSH CARTS AND TEMPORARY VENDORS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rudacille explained this Draft Ordinance was created because of issues raised regarding a variety of temporary and mobile food vendors. The Commission has held several workshops on the issue after adopting a moratorium in 2012.

The vendors have been placed into essentially three categories: Daily, Seasonal and All others.

Daily Vendors are not required to get a Temporary Use permit, but are required to remove their vehicles or goods every night. They must also locate their vehicles or goods out of drive aisles, visibility triangles, and required parking spaces.

Seasonal Vendors are not required to close up shop every evening, but must obtain a Temporary Use Permit from Public Works. The Temporary Use Permit requires submittal of a site plan, survey or aerial photograph showing the area to be used. They are allowed for up to 120 days per calendar year on site.

All other Vendors are considered permanent and will need some type of site plan approval.

Mr. Ugarte said that the City cannot hold up permits contingent on the stipulation that they have the required State permits but could possibly make it a condition that they maintain the required licensing from the state and other permitting agencies as opposed to making it a pre application requirement.

Mr. Ugarte continued that the draft Ordinance did not address the waste, etc. that is produced by mobile food vendors and it has been reported that the fluid, etc has been showing up at the reclaimed water plant. He felt that the mobile food vendors should be required to have hot water, hand washing equipment, ADA compliant, restrooms and that they should be self contained. Basically they should be made to undergo the same requirements as regular restaurants.

Discussion continued to include Section 6.11 of the Code of Ordinances.

Sec. 6.11. - Temporary uses.

Only the following uses are permitted temporarily (for a period of one (1) to four (4) weeks in any one (1) calendar year) after issuance of a permit:

- (a) Christmas tree sales in commercial districts.*
- (b) Carnival, circus and street fairs in general or heavy commercial districts.*
- (c) Mobile amusements and lighting equipment for promotion, advertisement and grand openings in general and heavy commercial districts.*

Mr. Kotecki questioned how the Ordinance would affect push carts, etc. Mr. Rudacille explained that as the Ordinance reads, push carts would not be permitted, on City property nor would ice cream trucks.

Mr. Gilbert noted that all mobile food vendors should be self contained; seasonal vendors and all others should be required to supply a site plan for a more detailed review.

Mr. Moore asked how this would affect the mobile lunch trucks, like the one that visits private property-such as the tomato packing plants.

Discussion continued regarding lunch trucks not needing permits, written permission from the property owners, as long as they come and go each day and follow any requirements, vacant properties such as 8th Avenue and 17th Street West, food that is being prepared and given away at charitable events, possibility of adding them as a category, meeting State regulations and code enforcement procedures.

CHAIRMAN GILBERT OPENED THE PUBLIC HEARING FOR COMMENTS

No Public Comment

CHAIRMAN GILBERT CLOSED THE PUBLIC HEARING

Chairman Gilbert asked if the Board was at a point to make recommendation to the Ordinance and pass it along to the City Commission or are they at a point of disapproving the Ordinance stating that it needs more work.

Scott replied that he was not sure what the Commission's time line was on the Ordinance. The issues that P&Z raised tonight could be taken to the Commission's next meeting and the revised Ordinance could be brought back to the P&Z for review at the May 2013 meeting.

Ms. Lyn informed the Board that the mobile vendor issue was raised because several requests/applications had been received. E.g. for hot dog stand to

operate in the Spacebox parking lot. The City wanted to regulate these uses; for example, meeting the parking space requirements, visibly triangles, etc. Now it has transformed into a mobile vendor focus, but she did not think that there was a pressing time frame. Ms. Lyn continued that if this Ordinance is adopted, her concern was to make it consistent and be easily implementable. She continued that sometimes these Ordinances get approved then are tucked away in the code and do not get implemented. She thought that all vendors should apply for a Local Business Tax License, and by doing so the process could be monitored from the inception to any code enforcement issues...

Ms. Lyn prepared a chart showing what types of temporary uses are currently in the Code today and a draft of the daily, seasonal and permanent vendors that included requirements and conditions. SEE ATTACHED.

Ms. Lyn informed the board that at the City Commission workshop they did not want to prohibit, for example, the person selling watermelons, etc. out of the back of their truck, especially with this being an agricultural community.

Discussion ensued including - all daily vendors must be self contained, no tables or tents; regulation of garbage disposal, grease traps, and dumping of sewage; vendors displaying any applicable state, etc. licenses; definition of mobile vendor to include ice cream trucks; comparing this draft Ordinance to other Cities mobile vendors Ordinances, etc.

Mr. Ugarte moved to continue Item #2 Revising the Current Temporary Use Permit Criteria to May 16th, 2013 at 5:30 p.m. Mr. Kotecki seconded. **MOTION CARRIED UNANIMOUSLY.**

3. **INFORMATIONAL:**

10-YEAR WATER SUPPLY FACILITIES WORK PLAN



Ms. Lyn indicated that the 10-Year Water Supply Work Plan is being brought to the Board for informational purposes only. It will eventually be forwarded to the Board as a Plan Amendment. The Plan has been submitted to SWFMD. After their review, the City will take their comments into consideration and eventually it will become part of the Comprehensive Plan.

The City must provide an adequate water supply plan and show they are making efforts to conserve water. The City Engineer prepared the plan using the same population census from the 2010 Comprehensive Plan update which turned out to be higher than the 2010 census information. Currently the City has a water agreement with Manatee County. The 10-Year Work Plan will be contained within the Potable Water Element of the Comprehensive Plan.

4. Old Business: None

5. New Business: None

6. Adjournment: 6:34 p.m.