



City of Palmetto Agenda

City of Palmetto City Hall Commission Chambers

Meeting Date:
December 4, 2023

Presenter/Department: Brad Cornelius/Kera Hill/Mark Barnebey

Title: First Reading Ordinance 2023-15: Amendment to Zoning Code to Allow Used Boat Sales, Boat Rental, Boat Repair and Maintenance, and Boat Storage in Addition to New Boat Sales in Commercial Core Zoning District and Related Changes

Background: The City received an application (CU #2023-02) from CTR Land LLC, doing business as Old Salt Marine, for a conditional use to add the sale of used boats, boat repair and maintenance, and boat rentals to his current business of new boat sales at 405 8th Avenue West, which was approved under previous conditional use (CU #2020-05).

Section 6-20, City's Zoning Code, only allows the sale of new boats in the Commercial Core (CC) zoning district. Old Salt Marine's property is zoned CC and limited by the Zoning Code to the sale of new boats only, as approved in the previous conditional use (CU #2020-05).

The new conditional use submitted for Old Salt Marine (CU #2023-02) was reviewed by the City Commission at the August 21, 2023, City Commission meeting. The City Commission tabled the new conditional use request for Old Salt Marine to allow City staff to prepare a potential amendment to the City's Zoning Code that would allow used boat sales, boat repair and maintenance, and boat rental in addition to new boat sales within the CC district.

Based on the direction of the City Commission, City staff developed a proposed amendment (Ordinance 2023-15) to the City's Zoning Code for this issue.

Discussion: Proposed Ordinance 2023-15 provides for the following:

1. Revises Section 4.2, Zoning Code, to change the use listed in the "Schedule of permitted and conditional uses by district" from "New boat sales (see Section 6.2)" and only allowed as a condition use in the CC zoning district to "Boat sales, rental, and repair (see section 6.20 for CC requirements)" and still require a conditional use in the CC zoning district but also allow by right in the CG and CHI zoning districts. The allowance by right for any boat sales is already provided in the CG and CHI zoning districts. This

change places all boat related sales, rental, and repair in one use classification and provides clarity where there uses are allowed by right (CG and CHI) and by conditional use (CC).

2. Revises Section 6.20, Zoning Code, which currently provides the requirements for new boat sales in the CC zoning district, to apply new requirements related to expanding from only allowing new boat sales to also allowing used boat sales, repair and maintenance of boats, and storage of boats as a conditional use in the CC zoning district. The following lists the changes to Section 6.20, several of the existing requirements in this section are not changing and will remain.
 - a. Remove limitation to allowing only new boat sales in the CC zoning district and provide that any newly proposed boat sale business or a change to an existing boat sale business to add the sale of used boats, rental of boats, repair of boats, or storage of boats in the CC zoning district is subject to the new proposed requirements.
 - b. Boats displayed for sale or rental on the property shall only be placed within the paved display area and not parked, stored, or displayed in required vehicular parking spaces, landscape buffer areas, or other landscape areas and will not block or restrict access to the property;
 - c. Inoperable boats, disassembled, or partially disassembled boats must be kept in a fully enclosed building.
 - d. Boat manufacturing is prohibited.
 - e. The use of outdoor speakers and outdoor sound amplification are prohibited.
 - f. All applicable provisions of the code of ordinances and zoning code, including, but not limited to, landscaping, signage, parking, and the Downtown Design Code., must be met. The sale of used boats, rental, storage, repair or maintenance of boats shall also be subject to the additional requirements listed next.
 - g. The sale of used boats, rental of boats, repair of boats, or storage of boats must be secondary to the primary sale of new boats (i.e., there cannot be a business with only used boat sales, boat repair, boat rentals, or boat storage in the CC zoning district and subject to additional requirements:
 1. Minimum parcel size of one (1) acre.

2. Landscaped buffer along 8th Avenue West frontage with a minimum 15-foot wide landscaped buffer with vegetative ground cover and two (2) canopy trees and 40 shrubs for every 100 feet of frontage;
3. Landscape buffer along all other street frontages with a minimum 8-foot wide landscaped buffer the vegetative ground cover and one (1) canopy tree and 20 shrubs for every 50 feet of frontage;
4. Fencing along all street frontages compliant with the fencing standards in the Downtown Design Code with the required landscape buffer on the street side of the fence;
5. Interior landscaping of at least 20% of the paved areas of the property with landscape islands;
6. All boat repair, maintenance, or storage of boats not actively offered for sale must be within a fully enclosed building. The service bay or boat access doors for the building shall be located facing away from any residentially zoned or used adjacent property and from the frontage along 8th Avenue West.

The proposed Ordinance 2023-15 is provided for the City Commission Workshop for the City Commission's review, questions, comments, or direction on changes to the proposed ordinance.

Budgeted Amount:

0.00

Available Amount:

0.00

Expenditure Amount:

0.00

Is this expensed from Operating Budget?

☐ Capital Expense

☐ Non Capital Expense

Is this part of the CIP: Y/N

Cost and Funds Source Account Number and Name:

NA

City Attorney Review: Y/N

Direction Requested/Potential Motion: I move to approve the first reading of Ordinance 2023-15 and direct staff to notice the second reading for consideration of adoption of Ordinance 2023-15.

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA APPROVING TEXT AMENDMENTS TO APPENDIX “B” (THE ZONING CODE) OF THE CITY OF PALMETTO CODE OF ORDINANCES AMENDING SECTION 4.2, THE SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT; AMENDING SECTION 6.20 TO ADDRESS BOAT SALES, RENTAL AND REPAIR; FINDING THESE AMENDMENTS TO BE CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Palmetto, Florida, has been given authority by the State of Florida pursuant to Chapter 163, Florida Statutes, to adopt, amend and update the land development regulations of the City of Palmetto Code of Ordinances; and

WHEREAS, the City Commission desires to clarify and amend provisions regulating and relating to boat sales, rental, and repair; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, did hold a duly noticed public hearing on _____, 202_, to consider said amendments to the Code of Ordinances; and

WHEREAS, after holding the required public hearings and considering all information provided, the City Commission desires to adopt text amendments to Appendix B of the Palmetto Code of Ordinances.

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

Section 1: The above “Whereas” clauses are hereby adopted and incorporated herein.

Section 2: Section 4.2 and Section 6.20 of the Appendix “B” of the City of Palmetto Code of Ordinances shall be amended in their entirety as shown in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That if any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5: Upon becoming effective, the City Clerk is hereby directed to provide for codification of the text changes as provided herein.

Section 6: This Ordinance shall become effective upon the execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and the passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ____ day of _____, 202_.

First Reading:

Publication:

Second Reading and Public Hearings:

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

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

Sec. 4.2. Schedule of permitted and conditional uses by district.

X=Permitted use

C=Conditional use (see Ordinance No. 196)

—=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
<i>Agriculture and related uses</i>														
Commercial farms	X	—	—	—	—	—	—	—	—	—	—	—	—	—
Farm worker housing	—	—	—	—	—	—	C	C	—	—	—	—	—	—
Stable, private	X	X	—	—	—	—	—	—	—	—	—	—	—	—
Stable, public	X	—	—	—	—	—	—	—	—	—	—	X	X	—
Nursery, wholesale or retail	—	—	—	—	—	—	—	—	—	—	—	X	X	—
Roadside stand—Temporary	C	—	—	—	—	—	—	—	—	X	—	X	X	—
<i>Cultural facilities</i>														
Art galleries	—	—	—	—	—	—	—	—	—	—	X	X	X	X
Museums	—	—	—	—	—	—	—	—	—	—	X	X	X	X
Libraries	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

<i>Manufacturing, processing and assembly</i>	—	—	—	—	—	—	—	—	—	—	C	—	X	—
<i>Open uses of land—Light</i>														
Cemetery, human	—	—	—	—	—	—	—	—	C	C	C	C	C	C
Cemetery, pet	—	—	—	—	—	—	—	—	—	C	—	C	C	—
<i>Open uses of land—Heavy</i>														
Junkyards (see section 6.13)	—	—	—	-	—	—	—	—	—	—	—	—	C	—
Open storage (see section 6.6)	—	—	—	-	—	—	—	—	—	—	—	—	C	—
<i>Public facilities</i>														
Public service facilities	X	X	X	X	X	X	X	X	X	X	—	X	X	X
Public use facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<i>Residential support uses</i>														
Child care center	C	C	C	C	C	C	C	C	X	X	C	X	X	X
Church/synagogue	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Home occupation (see sections 6.12 and 11.8)	C	C	C	C	C	C	C	C	—	—	—	—	—	—
School	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Family day care home	X	X	X	X	X	X	X	X	—	—	—	—	—	—

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

<i>Residential uses (see section 6.15)</i>														
Commercial apartment	—	—	—	—	—	—	—	—	X	X	X	C	C	X
Congregate living facilities	C	C	C	C	C	C	X	X	X	X	X	X	X	X
Single-family	X	X	X	X	X	—	X	X	—	—	—	—	—	—
Two-family	—	—	—	—	—	—	X	—	—	—	—	—	—	—
Multifamily	—	—	—	—	—	—	—	X	C	C	C	C	—	—
Mobile homes (see section 6.16)	—	—	—	—	—	X	—	—	—	—	—	—	—	—
Travel and transient trailers (see section 6.16)	—	—	—	—	—	C	—	—	—	—	—	—	—	—
<i>Retail</i>														
Convenience goods														
Convenience stores	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Tobacco shop	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Newsstand	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Bakery	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Delicatessen	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Meat, produce, seafood market	—	—	—	—	—	—	—	—	—	X	X	X	X	—

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

Dairy products store	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Eating establishments	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Drinking establishments	—	—	—	—	—	—	—	—	—	X/C	X/C	X/C	X/C	—
Shoppers goods	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Gas station	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Liquor stores	—	—	—	—	—	—	—	—	—	—	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 b Boat sales, <u>rental, and repair</u> (see section 6.20 <u>for CC requirements</u>)	—	—	—	—	—	—	—	—	—	—	C	X	—X	—
Service station	—	—	—	—	—	—	—	—	—	—	X	X	X	—
<i>Services</i>														
Banking	—	—	—	—	—	—	—	—	X	X	X	X	X	—
Bed and breakfast home	C	C	C	C	C	—	C	C	—	—	—	—	—	—
Business services	—	—	—	—	—	—	—	—	X	X	X	X	X	—

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

Funeral homes	—	—	—	—	—	—	C	C	X	X	X	X	X	—
Health services														
Animal hospital	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Hospitals	—	—	—	—	—	—	—	—	—	—	X	X	X	X
Medical and dental laboratories	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Medical marijuana treatment center dispensing facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nursing, convalescent and extended care facilities	—	—	—	—	—	—	—	C	C	—	X	X	X	—
Pain management clinics	—	—	—	—	—	—	—	—	—	—	—	—	C	-
Lodging places														
Boarding/rooming house	—	—	—	—	—	—	C	C	—	—	—	—	—	—
Hotels/motels	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Business/professional offices	—	—	—	—	—	—	—	—	X	X	X	X	X	—
Personal services	—	—	—	—	—	—	—	—	X	X	X	X	X	—
Motor vehicle repair—Minor	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Motor vehicle repair—Major	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Miscellaneous services														

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

Car wash	—	—	—	—	—	—	—	—	—	—	—	—	X	X	—
Contractor's office	—	—	—	—	—	—	—	—	X	X	X	X	X	X	—
Contractor's storage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Dry cleaners															
General	—	—	—	—	—	—	—	—	—	—	X	X	X	X	—
Small	—	—	—	—	—	—	—	—	—	X	X	X	X	X	—
<i>Warehousing</i>															
Warehouse	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Warehouse, distribution	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Warehouse, mini	—	—	—	—	—	—	—	—	—	—	—	X	X	X	—
Warehouse, shippers	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
<i>Miscellaneous</i>															
Adult entertainment establishment	—	—	—	—	—	—	—	—	—	—	—	—	—	C	—
Dry-cleaning plant	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Lumberyards	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Marinas	—	—	—	—	—	—	—	—	—	—	X	X	X	X	X
Packing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	X	—

Exhibit "A" to Ordinance 2023-15

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

Parking, accessory	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Parking, principal	—	—	—	—	—	—	—	—	—	—	—	X	X	X
Place of assembly	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Printing, light	—	—	—	—	—	—	—	—	X	C	X	X	C	—
Printing, medium	—	—	—	—	—	—	—	—	C	—	—	X	X	—
Printing, heavy	—	—	—	—	—	—	—	—	—	—	—	—	X	—
Recreation and amusement services	—	—	—	—	—	—	—	—	—	—	C	C	C	—
Wholesale distribution	—	—	—	—	—	—	—	—	—	—	—	—	X	—

Those existing farm worker housing uses located at the addresses listed below may apply by October 31, 2012 to be approved as a conditional use:

1. 1911 8th Ave W
2. 1000 1st Ave Ct W, # 1 - 37
3. 1001 1st Ave Ct W
4. 401, 403, 405, 407, 409, 411 and 413 6th St W
5. 804, 806 and 808 5th Ave W
6. 712 and 716 5th Ave W
7. 415 9th St W
8. 408 8th St W
9. 502A, 504, 506 and 506A, 512, 514 and 514A, 606, 608, 610 and 610A and 702A 14th St W (Oakridge Apartments)

If the application meets the criteria for a conditional use and is approved for a conditional use permit by the city commission, then such use shall be considered a nonconforming use and regulated under the nonconforming use provisions of the city zoning code, as may be amended except that facilities receiving a conditional use permit under this section shall not be subject to the cessation of

1. Amend Section 4.2 of Appendix B of the Palmetto Code of Ordinances to read in its entirety as follows (changes are shown in redline):

use restrictions in subsection 7.7(c) of the city zoning code unless the farm worker housing ceases for two (2) consecutive years. If a complete application for a conditional use permit is not received by the city by October 31, 2012, or if the application for conditional use is denied, then such uses shall be subject to code enforcement in accordance with the requirements of the City Code.

Uses located within the downtown core may be further restricted as provided in the downtown core design code.

2. Amend Section 6.20 of Appendix B off the Palmetto Code of Ordinances to read in its entirety as follows (changes are in redline):

Sec. 6.20. ~~New b~~Boat sales, rental, and repair in commercial core (CC) district; requirements.

(a) ~~The number of~~Boat sales require the approval of a conditional use. ~~s shall be limited to one conditional use per property.~~ If the property for this conditional use application is currently subject to a conditional use permit and intends to change its operations to include the sale of used boats, rental of boats, storage of boats, or maintenance and repairs of boats, then the existing conditional use permit shall cease upon approval of this conditional use subject to the requirements provided below to allow for the change in operation. If approval of this conditional use is not granted, the existing conditional use permit shall remain in full force and effect.

~~(b) The sale of boats is limited to new boats.~~

(~~e~~b) The sale of ~~new~~ boat trailers shall be limited to trailers sold as part of a complete package (boat, motor, trailer).

(~~e~~c) The length of a boat and trailer shall not exceed forty (40) feet.

(~~e~~d) The rental, storage, repair or maintenance of boats ~~is~~ are prohibited unless approved as part of the conditional use and compliant with the additional requirements provided in this section. The washing, polishing, installation of accessories and general upkeep of boats is not part of this prohibition.

(~~f~~e) No flags or pennants are allowed.

(~~e~~f) The hours of operation shall be limited to no earlier than 8:00 a.m. and no later than 10:00 p.m. The term "operation" shall include preparing the site for the business day.

(~~h~~g) All outside lighting shall be directed away from any residential use between the hours of 8:00 p.m. and 8:00 a.m.

(~~h~~i) The amount of impervious surface (both structure and parking) shall not exceed fifty (50) percent of the lot area. For existing lots exceeding this amount, compliance with this provision shall be attempted. If not feasible to meet this requirement, there shall be no increase to the amount of impervious surface.

(~~j~~i) All sales and display areas shall be paved to meet minimum city standards.

(j) Any boats displayed for sale or rental on the property shall only be placed within the paved display area. Boats shall not be parked, stored, or displayed in required vehicular parking spaces, landscape buffer areas, nor other landscape areas and shall not be parked, stored, or displayed in a manner that blocks or restricts access to the property.

(k) Inoperable boats, disassembled, or partially disassembled boats must be kept in a fully enclosed building.

(l) Boat manufacturing is prohibited.

(m) The use of outdoor speakers and outdoor sound amplification are prohibited.

(~~k~~n) All boat sales are required to comply with all applicable provisions of the code of ordinances and land development zoning code, including, but not limited to, landscaping, signage, parking, and the Downtown Design Code, etc. shall be met. The sale of used boats, rental, storage, repair or maintenance of boats shall also be subject to the additional requirements provided in sub-section (o) of this section. The additional requirements for the sale of used boats, rental, storage, repair or maintenance of boats shall not apply to operations that only provide for new boat sales.

2. Amend Section 6.20 of Appendix B off the Palmetto Code of Ordinances to read in its entirety as follows (changes are in redline):

(o) The sale of used boats, rental, storage, repair, or maintenance of boats must be a secondary use to the new boat sales and are only allowed subject to the following requirements that must be met in addition to the other requirements of this section. These requirements shall supersede any conflict between these requirements and other provisions of this section or within the code of ordinances or zoning code.

1. Minimum Property Size: One (1) acre.
2. Landscaped Buffer Along 8th Avenue West Frontage: A minimum 15-foot wide landscaped buffer with vegetative ground cover and two (2) canopy trees and 40 shrubs for every 100 feet of frontage. The installation of the landscaped buffer must maintain clearance for the visibility triangle as defined under the Zoning Code, appendix B, article V, sections 5.4 (a) and (b) at the intersection of streets, a street and railroad, or a street and a driveway.
3. Landscape Buffer Along All Other Street Frontages: A minimum 8-foot wide landscaped buffer the vegetative ground cover and one (1) canopy tree and 20 shrubs for every 50 feet of frontage. The installation of the landscaped buffer must maintain clearance for the visibility triangle as defined under the Zoning Code, appendix B, article V, sections 5.4 (a) and (b) at the intersection of streets, a street and railroad, or a street and a driveway.
4. Fencing Along All Street Frontages: If any fencing is installed along any street frontage, then it must be compliant with the Downtown Design Code and have the required landscape buffer provided in this section installed on the outside (street side) of the fence.
5. Interior Landscaping: At least 20% of the paved areas of the property must include landscape islands that are at least eight (8) feet in width and length or a diameter of eight (8) feet for circular shapes with vegetative ground cover and contain at least one (1) canopy tree and 10 shrubs in each landscape island. The landscape islands can be aggregated into larger areas within the paved areas but shall not be aggregated with the required perimeter landscape buffers.
6. Repair, Maintenance, Storage: All boat repair, maintenance, or storage of boats not actively offered for sale must be within a fully enclosed building. The service bay or boat access doors for the building shall be located facing away from any residentially zoned or used adjacent property and from the frontage along 8th Avenue West.