



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL2022000#####

ORIGIN

Growth Management Department (GMD)

SUMMARY OF AMENDMENT

Amend the Collier County Land Development Code (LDC) and Collier County Code of Laws and Ordinances (Code of Laws and Ordinances) by creating a Live Entertainment Permit, to be required on an annual basis for floorshows and other forms of entertaining, consisting of one or more persons, amplified or non-amplified, and are provided indoors or outdoors on a regular basis in conjunction with a restaurant, cocktail lounge, or other commercial establishment. This amendment also includes an amendment to the Collier County Administrative Code for Land Development.

HEARING DATES

BCC TBD
 CCPC TBD
 DSAC TBD
 DSAC-LDR TBD

LDC SECTIONS TO BE AMENDED

10.03.05 Required Methods of Providing Public Notice
 10.03.06 Public Notice and Required Hearings for Land Use Petitions

CODE OF LAWS & ORDINANCES SECTIONS TO BE AMENDED

2.-87. Powers and duties of the Hearing Examiner.
 54.-92. Maximum permissible sound levels.

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

When Ordinance 2008-68 was adopted, it was understood that every person in the County is entitled to sound levels that are not detrimental to the life, health, and enjoyment of property, and that the making, creation, or maintenance of sounds in excess of the maximum allowed will negatively affect the health, comfort, convenience, safety, welfare, and prosperity of people in the County.

On September 28, 2021, the Board directed the County Manager to continue to identify development standards and improvements that will best accommodate community concerns, ensuring minimal interruptions of the quiet enjoyment of neighborhoods. The Board determined that amplified sound could create community impacts, and that it may be necessary to enhance conditions of approval, the length of time a permit is valid, and penalties for amplified sound and outdoor entertainment permit violations.

This amendment addresses the Board’s concern by creating the Live Entertainment Permit application and review process. The Live Entertainment Permit is generally similar to the Amplified Sound Permit; however, it is intended for regularly scheduled live entertainment activities proposed at commercial establishments on an annual basis. Unlike the Amplified Sound Permit, the Live Entertainment Permit will require a neighborhood information meeting and a public hearing, including a newspaper advertisement, public notice sign, and a 1,000-foot distance for mailed notice. All petitioners will be required to address the new evaluation criteria proposed in the Code of Laws and Ordinances. Staff will review each petition, generate a Staff Report, and provide a recommendation. Final action will be taken by either the Hearing Examiner or the Board of Zoning Appeals.



FISCAL & OPERATIONAL IMPACTS

No fiscal impacts are anticipated. However, the workload of the Office of the Hearing Examiner is expected to increase in anticipation of reviewing future petitions for Live Entertainment Permits.

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Administrative Code Changes

Amend the LDC as follows:

10.03.05 – Required Methods of Providing Public Notice

This section shall establish the required methods of providing public notice. Chapter 8 of the Administrative Code shall establish the public notice procedures for land use petitions.

A. Neighborhood Information Meetings (NIM). Neighborhood Information Meetings, where required, shall be held prior to the first public hearing and noticed as follows:

- 1. Mailed Notice shall be sent prior to the NIM and shall be pursuant to LDC section 10.03.05 B.
- 2. Newspaper Advertisement prior to the NIM.

B. Mailed Notice.

- 1. Where required, Mailed Notice shall be sent to property owners in the notification area as follows:
 - a. For areas in the urban designated area of the future land use element of the Growth Management Plan notices shall be sent to all property owners within 500 feet of the property lines of the subject property.
 - b. For all other areas, except areas designated in the Rural Golden Gate Estates Sub-Element or Urban Golden Gate Estates Sub-Elements of the Golden Gate Area Master Plan, notices shall be sent to all property owners within 1,000 feet of the property lines of the subject property.
 - c. For areas designated within the Rural and Urban Golden Gate Estates Sub-Element of the Golden Gate Master Plan, notices shall be sent to all property owners within one mile of the subject property lines.
 - d. Notices shall also be sent to property owners and condominium and civic associations whose members may be impacted by the proposed land use changes and who have formally requested the county to be notified. A list of such organizations must be provided and maintained by the County, but the applicant must bear the responsibility of insuring that all parties are notified.

e. For Live Entertainment Permits, notices shall be sent to all property owners within 1,000 feet of the property lines of subject property, regardless of project location.

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DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

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10.03.06 - Public Notice and Required Hearings for Land Use Petitions

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- V. Nonconforming Use Change pursuant to LDC section 9.03.02 D., ~~and~~ Nonconforming Use Alteration, pursuant to LDC section 9.03.03 B.5., and Live Entertainment Permits, pursuant to Sec. 54-92 (h) of the Collier County Code of Laws and Ordinances.
1. The following advertised public hearings are required:
 - a. One Hearing Examiner or BZA hearing.
 2. The following notice procedures are required:
 - a. Mailed Notice prior to the advertised public hearing.
 - b. Newspaper Advertisement prior to the advertised public hearing.
 - c. Posting of a sign prior to the advertised public hearing.
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Amend the Code of Laws and Ordinances as follows:

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Chapter 2 – ADMINISTRATION

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ARTICLE III – OFFICERS AND EMPLOYEES

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DIVISION 3. – HEARING EXAMINER

Sec. 2-87. - Powers and duties of the Hearing Examiner.

The Hearing Examiner shall have the following powers and duties:

1. *Appeals of Administrative Decision or Interpretation.* All type III appeals of administrative decisions or interpretations, as set forth in LDC Section 10.04.04, shall be heard by the Hearing Examiner. All appeals and staff response to such appeals must substantially conform to the Rules of Procedure. In reaching his decision, the Hearing Examiner must consider:
 - a. The criteria for the type of application being requested;
 - b. Testimony from the applicant; and
 - c. Testimony from any members of the public.

2. *Variances.* The Hearing Examiner will hear and decide all requests for variances from the terms of the regulations or restrictions of the zoning code and such other codes or ordinances as may be assigned to him by the Board of County Commissioners. In reaching his decision, the Hearing Examiner must consider:
 - a. The criteria for the type of variance being requested, in particular those set forth in LDC Section 9.04.03;
 - b. Staff recommendations;
 - c. Testimony from the applicant; and
 - d. Testimony from the public.

Before granting any variance, the Hearing Examiner must make a finding with respect to each of the criteria set forth in LDC Section 9.04.03, and with respect to sign variances, LDC Section 5.06.08. The Hearing Examiner has the same authority as the Board of Zoning Appeals to grant, deny, or modify any request for a variance from the regulations or restrictions of this Code, or to attach conditions and requirements necessary for the protection of the health, safety, comfort, convenience and welfare of the general public. The conditions or requirements must be

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reasonably related to the variance requested and conform to the requirements of the LDC.

3. *Conditional Uses.* The Hearing Examiner will hear and decide all requests for minor conditional uses. For purposes of this section, a minor conditional use is one which does not require Environmental Advisory Council review and which is not a case of great public interest or concern as determined in the discretion of the Hearing Examiner. However, the Commissioner of the District in which the proposed minor conditional use is located may direct that the minor conditional use be heard by the Planning Commission in an advisory capacity and then Board of Zoning Appeals for final action. In reaching his decision, the Hearing Examiner must consider:

- a. The factors and criteria set forth in LDC Subsection 10.08.00.D;
- b. The relevant matters set forth in an applicant's written petition;
- c. The testimony of any applicant or agent;
- d. The recommendation of staff; and
- e. The testimony of the public.

As part of his decision, the Hearing Examiner must make the findings required by LDC Subsection 10.08.00.D, and may place appropriate conditions and safeguards as set forth in LDC Subsection 10.08.00.E.

4. *Boat Lift Canopies and Dock Facility Extensions.* The Hearing Examiner shall hear all petitions for a boat lift canopy and dock facility extensions as provided for in LDC Subsections 5.03.06.G and H.

5. The Board of County Commissioners, by majority vote, may remand any advertised public hearing involving a development order to the Hearing Examiner for the sole purpose of opining on a legal or technical land use issue raised during the hearing. After reviewing the matter utilizing any procedure the Hearing Examiner deems appropriate, which may or may not include an advertised public hearing, the Hearing Examiner will issue a non-binding recommendation to the Board with respect to the issue remanded, which recommendation will become part of the record when the matter is again heard by the Board.

6. To the extent authorized by law, by Resolution of the Board of County Commissioners, the Hearing Examiner may be assigned any and all other powers and duties that have previously been granted to the Collier County Planning Commission or the Board of Zoning Appeals, expressly excepting those powers reserved to the Collier County Planning Commission as the local planning agency (LPA), and land development regulation commission as required by F.S. §§ 163.3174 and 163.3194. All powers and duties expressly granted to the Hearing Examiner, either by this ordinance or through future resolutions, preempt the Collier County Planning Commission, or the Board of Zoning Appeals, as the case may be, with

respect to the established procedures set forth in the Collier County Land Development Code.

7. Live Entertainment Permits. The Hearing Examiner shall hear all petitions for live entertainment permits as provided for in Sec. 54-92 (h).

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Chapter 54 – ENVIRONMENT

ARTICLE I. – IN GENERAL

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ARTICLE IV. – NOISE

Sec. 54-81. – Title and citation.

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Sec. 54-82. - Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural Zone means any geographic area designated for agricultural activities by the zoning authority having jurisdiction over such area.

Ambient Noise means the all encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

Ambient Sound Level means the A-weighted or C-weighted Sound Level of the Ambient Noise at a given location.

Amplified Sound means use of a public address system, loudspeaker, amplifier or any other device which electronically or mechanically augments the volume of sound. For purposes of this Ordinance, Amplified Sound does not include Background Music.

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Sec. 54-90. - Violations; penalties; enforcement.

A. Any person violating any of the provisions of this Ordinance shall, upon adjudication of a violation by the Code Enforcement Board, Special Magistrate, or court of competent jurisdiction, be subject to a fine not exceeding \$500.00, as follows:

First Violation	\$100.00 fine
Second Violation	\$250.00 fine
Third or more Violation	\$500.00 fine

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2 Each incident of violation shall constitute a separate offense and shall be
3 punishable as such hereunder. Any person who continues to violate the provisions
4 of this Ordinance after having been previously cited, may be subject to further
5 citations.
6

7 B. Upon adjudication by the Code Enforcement Board, Special Magistrate, or court
8 of competent jurisdiction of three violations of this Ordinance for the same offense
9 within a 12-month period, when the offending Sound is created by the same Sound
10 emitter, the noise creating equipment may be confiscated by the Code
11 Enforcement Board, Special Magistrate, or court following the third adjudication of
12 violation, until such time as the offender can satisfy the Code Enforcement Board,
13 Special Magistrate, or court that he or she is prepared to and, in fact, will operate
14 said equipment within the limits of this Ordinance. Further adjudications of violation
15 thereafter shall be grounds for permanent confiscation by the Code Enforcement
16 Board, Special Magistrate or court.
17

18 C. The owner of property, a tenant, a lessee, a manager, employee, an overseer, an
19 agent, corporation or any other person or persons entitled to lawfully possess or
20 who claims lawful possession of such property involved at a particular time shall
21 each be responsible for compliance with this Ordinance and each may be punished
22 for violation of this Ordinance.
23

24 D. It shall not be a lawful defense to assert that some other person caused such sound
25 but each lawful possessor or claimant of the premises shall be responsible for
26 operating or maintaining such premises in compliance with this Ordinance and the
27 offending act shall be punishable whether or not the person actually causing such
28 sound is also punished.
29

30 E. The County Sheriff or designee or any other authorized enforcement agency is
31 empowered to investigate any situation where a person, business or other
32 establishment is alleged to be in violation of this Ordinance. If the Sheriff or
33 designee or other authorized enforcement agent encounters a circumstance which
34 reasonably indicates that a person is in violation of this Ordinance, or where the
35 Sheriff or designee or other authorized enforcement agent responds to complaints
36 regarding Amplified Sound or nonamplified music from any area for which an
37 Annual Sound Permit has been issued, he may administer a test with a Sound
38 Level Meter and ascertain whether a violation of this Ordinance has occurred. If
39 the result of the test indicates a violation of this Ordinance, the Sheriff or designee
40 or other authorized enforcement agent is authorized to demand that the violative
41 sound cease, and to issue a citation or notice to appear to the person producing,
42 causing to be produced, or allowing to be produced the Amplified Sound.
43

44 F. In addition to the foregoing provisions, the following enforcement procedures shall
45 apply where an annual permit is required pursuant to Section Six:

46
47 (1) Upon the first violation of the annual permit the County Code Enforcement
48 Department or Sheriff's Office may issue a verbal or written warning, if one
49 has not been previously issued by another authorized enforcement agency,
50 and upon the second violation or any subsequent violations within a 24-
51 hour period a written citation may be issued. Any violations for which a

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written citation has been issued may be referred to the County Code Enforcement Board, Special Magistrate, or to a court of competent jurisdiction, in accordance with the procedures set forth in County Ordinance No. 2007-44, the "Consolidated Code Enforcement Ordinance".

(2) If cited to the Code Enforcement Board or Special Magistrate, the Code Enforcement Board or Special Magistrate shall conduct a hearing and provide for and enforce such penalties as provided by law.

(3) In addition to the authority of the Code Enforcement Board or Special Magistrate to impose fines and other penalties, the person, business establishment or other entity causing or allowing to be caused the violative sound may be subject to civil and/or criminal penalties as provided by this Ordinance upon conviction by a court of competent jurisdiction.

G. Statutory Vehicle Related Noise Violations. Motor vehicle noise prohibited by F.S. § 316.272, (excessive or unusual noise from motor vehicle exhaust system), or by F.S. § 316.293, (maximum motor vehicle decibel levels measured by testing equipment), or any vehicle noise prohibited by any other Florida Statute, shall be enforceable by the Sheriff's Office, and shall not be enforceable by Code Enforcement officers.

H. Noise that violates this Ordinance emitted from a vehicle (including motor vehicle) when on a road, or emitted from a noise producing device related to a vehicle when on a road, shall be enforceable by the Sheriff's Office, and shall not be enforceable by Code Enforcement officers. These violations, when off road, can be enforced by Code Enforcement officers or by the Sheriff's Office, including without noise testing by applying Section Twelve.

I. Other Remedies Preserved. Nothing in this Ordinance shall prohibit the Sheriff's Office from charging persons responsible for acts which affect the peace and quiet of persons who may witness them for breach of the peace or disorderly conduct under Florida Statutes. In addition, no provision of this Ordinance is intended to disturb the right of the County or of any person or entity to pursue any other remedy for the abatement of a nuisance, or any other remedy that may then be available under law or equity. This Ordinance does not apply to the extent the specific regulation is preempted by Florida or federal law.

Sec. 54-91. - Prohibitions.

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the Sound Level limits set forth in this Ordinance.

Sec. 54-92. - Maximum permissible sound levels.

(a) *Classification or use occupancy.* For the purposes of defining "use occupancy" in the Ordinance, the following classifications shall apply:

* * * * *

- 1 (g) *Permitting for Amplified Sound providing outdoor entertainment.*
- 2
- 3 (1) *Purpose and applicability.* In order to aid in monitoring and control
- 4 of Amplified Sound providing outdoor entertainment for certain
- 5 public and/or private events, and provide for enforcement action to
- 6 address violations of this Ordinance resulting from outdoor
- 7 entertainment activities generating such Amplified Sound, a one-
- 8 time, site-specific Amplified Sound Permit will be required for any
- 9 commercial business or nonresidential land use (such as, but not
- 10 limited to, public park, amphitheater, fraternal organization, or
- 11 church) which conducts such outdoor entertainment activities within
- 12 2,500 feet of any property containing a residential use or of any
- 13 residential zoning district. That distance must be measured from the
- 14 location of the actual sound source within the sound-producing
- 15 property to the Real Property Line of the sound-affected
- 16 residentially zoned or used property. For purposes of this
- 17 subsection, no Amplified Sound Permit is required where the Sound
- 18 source(s) and the Sound-affected residential use or zoning are
- 19 located within the same Mixed-Use Project.
- 20
- 21 (2) *Residential amenities.* For the purposes of this Section, any
- 22 residential amenity (including, but not limited to, clubhouses,
- 23 recreation centers, swimming pools, and pavilions) will be
- 24 considered a residential use and Amplified Sound from outdoor
- 25 entertainment emanating from these locations will not be subject to
- 26 a requirement for an Amplified Sound Permit.
- 27
- 28 (3) *Commercial establishments.* In the event that any commercial
- 29 establishment utilizing Amplified Sound to provide indoor (that is,
- 30 occupiable space within the building walls) entertainment for public
- 31 and/or private events is adjudicated by the Code Enforcement
- 32 Board, Special Magistrate, or court of competent jurisdiction to be
- 33 in violation of this Ordinance pursuant to the provisions of Section
- 34 Six, that land use or commercial establishment will be considered
- 35 to have expanded their entertainment outside the confines of the
- 36 building walls and must obtain an Amplified Sound Permit, subject
- 37 to all of the provisions of this Section.
- 38
- 39 (4) *Compliance with Sound Level limits.* All activities governed by the
- 40 Amplified Sound Permit requirements must be conducted in
- 41 accordance with the provisions of Section 6.B (Maximum
- 42 Permissible Sound Levels by Zoning Classification or Use
- 43 Occupancy).
- 44
- 45 (5) *Application for Amplified Sound Permit.* Prior to issuance of the
- 46 permit, an application must be completed which includes the
- 47 following information:
- 48
- 49 a. The name, address and telephone number of the applicant;
- 50

- 1 b. The name, address and telephone number of the business
- 2 or location at which the event will occur;
- 3
- 4 c. Identification of the type of business or other nonresidential
- 5 land use (e.g. restaurant, night club, public park, church);
- 6
- 7 d. A sketch and description of the area in which the event will
- 8 occur on the property (e.g., patio, outdoor dining area,
- 9 poolside);
- 10
- 11 e. A narrative description of any factors which might mitigate
- 12 the impact of close proximity of the activity to adjacent
- 13 residential use or zoning;
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- 15 f. A description of the proposed entertainment (e.g., live band,
- 16 recorded music, disc jockey, theater performance);
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- 18 g. Frequency of occurrence (monthly, weekly, daily) or
- 19 estimated number of events per calendar year with dates to
- 20 be determined;
- 21
- 22 h. Proposed hours of activity.

(6) *Issuance or denial.*

- 26 a. Issuance. Upon receipt of an Amplified Sound permit
- 27 application, the County Manager or designee will verify that
- 28 the physical location of the proposed Amplified Sound
- 29 source(s) is within 2,500 feet of any residential zoning
- 30 district or land use (as opposed to the Real Property Line of
- 31 the property on which the Sound-producing event will
- 32 occur). This distance will be measured according to a
- 33 survey, if provided by the applicant, or by the Official Zoning
- 34 Map, aerial photography, or other reliable and accurate
- 35 means. Upon completion of such verification, the County
- 36 Manager or designee shall issue an Amplified Sound
- 37 Permit.
- 38
- 39 b. Denial. The only basis for denial of an Amplified Sound
- 40 Permit application shall be prior adjudication for violation of
- 41 this Ordinance relating to the same Amplified Sound activity.

(7) *Terms of approval.* Once granted, the permit will remain valid, so long as there is no change in use on the subject property and no substantive change to the information provided on the application. Change of ownership or change of business will not invalidate the permit so long as the use remains the same; however, the permit may be revoked in accordance with the provisions of subsection G.10. The permit and related Sound-producing activity may be reviewed periodically to ensure compliance with this Ordinance.

- 1 (8) *Fee for permit.* A nonrefundable fee for the permit covering costs
- 2 associated with administration and processing will be assessed in
- 3 accordance with the Fee Schedule approved by the Board of
- 4 County Commissioners and in effect at the time of application, and
- 5 will be payable at time of application.
- 6
- 7 (9) *Enforcement.* All Amplified Sound activities approved in
- 8 conjunction with the permit must be conducted in accordance with
- 9 the provisions of Section 6.B (Maximum Permissible Sound Levels
- 10 by Zoning Classification or Use Occupancy).
- 11
- 12 (10) *Violations.* Any violations of the provisions of the permit shall be
- 13 enforced in accordance with the provisions of Section Ten of this
- 14 Ordinance. In the event of two (2) adjudications of violation of this
- 15 Section within any 12-month period by the Code Enforcement
- 16 Board, Special Magistrate, or court of competent jurisdiction, the
- 17 Amplified Sound Permit shall be revoked by the County Manager or
- 18 designee for one year from the date of the second adjudication, and
- 19 the permitted activity must cease immediately, unless otherwise
- 20 ordered. During said period of revocation, the person having held
- 21 the revoked permit shall be ineligible to apply for an annual permit
- 22 issued pursuant to Section Six. Appeal of the revocation of the
- 23 permit must be taken in accordance with Section Nine of this
- 24 Ordinance.
- 25

(h) *Live Entertainment Permit.*

(1) *Purpose.* This ordinance is intended to regulate the provision of live entertainment on private property for the purpose of enhancing the enjoyment of patrons at permitted establishments while protecting the peaceful enjoyment of adjacent properties.

(2) *Definitions.*

a. *Live entertainment.* Live entertainment means a use in conjunction with a restaurant, cocktail lounge, or other commercial establishment, wherein floorshows or other forms of entertaining consisting of one or more persons, amplified or non-amplified, are provided indoors or outdoors on a regular basis.

b. *Indoor live entertainment.* Indoor live entertainment means live entertainment that is provided inside a fully enclosed building with all doors and windows remaining closed during performances with the exception of patron and staff ingress and egress during live entertainment performances.

c. *Outdoor live entertainment.* Outdoor live entertainment means live entertainment that is provided outside a fully enclosed building or inside the building but intentionally audible outside the building.

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3 d. Verified live entertainment violation. Verified live
4 entertainment violation means a violation relative to an
5 approved live entertainment permit witnessed and
6 confirmed by a law or code enforcement officer as a noise
7 sufficient to constitute a violation of Sec. 54-92 or a violation
8 of the conditions of approval of the live entertainment permit.
9 A verified live entertainment violation may also include an
10 incident witnessed and verified by a law or code
11 enforcement officer, not initiated by a citizen or visitor.

12 (3) Applicability of permit.

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14 a. Live entertainment permits are required for restaurants,
15 cocktail lounges, or other commercial establishments
16 offering the following:

- 17
18 1. Outdoor live entertainment, with or without amplified
19 sound.
- 20
21 2. Indoor live entertainment with amplified sound.

22
23 b. A live entertainment permit is valid only for a specific
24 establishment at a specific location and a specific owner and
25 is nontransferable to another establishment or to a new
26 owner of the same establishment. If an establishment with
27 a valid live entertainment permit ceases operation at a
28 specific location and another establishment begins
29 operation at this location, the live entertainment permit is
30 nontransferable to the new establishment at the same
31 location. If an establishment with a valid live entertainment
32 permit relocates, the permit is nontransferable to the new
33 location. In both instances, a new live entertainment permit
34 petition must be submitted for Hearing Examiner or BZA
35 approval.

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37 c. The establishment must keep a copy of the approved permit
38 on-premises for the review of police and code enforcement.

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40 (4) Review and approval procedure.

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42 a. Live entertainment petitions may be obtained from the
43 Hearing Examiner or BZA and may be initiated by the owner
44 of the establishment on the subject property or the owner's
45 designated representative. This petition must be completed
46 and returned to the County Manager or designee, along with
47 the required fee and the necessary supportive materials as
48 required by the County Manager or designee, including the
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1. A development and site plan indicating the location of the live entertainment.

2. A summary of facts concerning the live entertainment, including proposed days and hours of operation, description of proposed entertainment, description of premises where entertainment is proposed, number of entertainers, etc.

b. The County Manager or designee shall notify owners of property located within 500 feet of the petitioner's property informing them of the date, time, and place for a public hearing to consider the granting of a live entertainment permit. Failure to notify all owners of property within 500 feet by mail will not render action taken on such petition void.

c. The Hearing Examiner or BZA may, by resolution, grant or deny the live entertainment permit or grant it conditional upon such alternate and additional restrictions, stipulations, and safeguards as may be deemed necessary to ensure compliance with the intent and purpose of this section. Such conditions shall be made a part of the live entertainment permit and are in addition to those conditions outlined in Sec. 54-92 (h) (6), which are made a part of the terms under which the live entertainment permit is granted may result in the revocation of the live entertainment permit.

(5) Permit fee. The applicant shall submit a petition for a live entertainment permit to the City Manager or designee along with an application fee.

(6) Standard conditions of approval for all permits. The following are standard conditions for approval of all live entertainment permits unless waived by the Hearing Examiner or BZA:

a. For indoor entertainment, all doors and windows must remain closed during performances with the exception that patrons and staff may enter and exit during live entertainment.

b. Sound created by live entertainment establishments shall not cause noise.

c. Hours of outdoor live entertainment will be determined by the Hearing Examiner and shall not extend beyond 10:00 p.m. Sunday through Wednesday, and 12:00 midnight on Thursday through Saturday.

1 d. Outdoor live entertainment may extend until 12:30 a.m. on
2 New Year’s Eve. Indoor live entertainment may extend until
3 2:00 a.m. on New Year’s Eve.

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5 (7) Evaluation criteria. The Hearing Examiner or BZA shall consider
6 the following guidelines and standards concerning the granting of a
7 live entertainment permit:

8
9 a. Ingress and egress to the existing structures with particular
10 reference to pedestrian safety and convenience must not be
11 impeded and must not be potentially detrimental to existing
12 or anticipated uses in the vicinity and particularly not
13 detrimental to property immediately adjacent to the subject
14 site.

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16 b. Off-street parking for the existing use must be adequate.
17 The proposed entertainment shall not generate an
18 additional parking demand for the use.

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20 c. Screening, buffering, or separation of the live entertainment
21 must be fully and clearly represented on the submitted plans
22 and must be adequate to minimize the transmission of noise
23 and vibration generated from the entertainment and protect
24 adjacent properties.

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26 d. The land and buildings that are involved must be adequate,
27 in terms of size, shape, type of building and the like, to
28 ensure compatibility with the proposed live entertainment.

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30 e. The proposed live entertainment must be compatible and
31 appropriate with respect to adjacent properties and other
32 property in the district and geographic area.

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34 f. The entertainment must be located to minimize the
35 transmission of noise and vibration to adjacent properties.

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37 g. All amplification must be oriented away from abutting
38 residential.

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40 (8) Revocation of permits. A live entertainment permit shall be brought
41 before the Hearing Examiner or BZA for reconsideration and
42 possible revocation after two verified live entertainment violations
43 in any 12-month period or where the County Manager has
44 determined that the violations warrant review. A separate agenda
45 item will be scheduled for public hearing with the Hearing Examiner
46 or BZA to consider temporary or permanent revocation of a live
47 entertainment permit. The County Manager or designee may
48 revoke a previously approved live entertainment upon making
49 either of the following findings:

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DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

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a. The operation of the live entertainment has violated an ordinance or any of the conditions of approval, including the standard conditions outlined in Sec. 54-92. (h) (6); or

b. The operation of the live entertainment is detrimental to the general health, safety, and welfare of the citizens of Collier County.

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