RESOLUTION 08-11908

A RESOLUTION DETERMINING LIVE ENTERTAINMENT PERMIT RENEWAL FOR BISTRO 821, LOCATED AT 821 FIFTH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 56-125(i) of the Land Development Code provides for annual renewal of live entertainment permits; and

WHEREAS, Resolution 07-11549 granting approval of a live entertainment permit was approved February 21, 2007, for live entertainment at Bistro 821, located at 821 Fifth Avenue South; and

WHEREAS, William Holcomb of Westbury Properties, agent, has requested renewal of the live entertainment under the same conditions adopted in Resolution 07-11549; and

WHEREAS, the Police and Emergency Services Department and the Code Enforcement Division have reported one documented noise complaint on January 1, 2007, for the location in the past year; and

WHEREAS, City Council finds that the renewal of the live entertainment permit should therefore be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That live entertainment permit renewal is hereby granted for Bistro 821, located at 821 Fifth Avenue South, more fully described as:

Lots 19-22 of Block 16, Tier 9 of the Seaboard Replat, plus ½ vacated alley, according to the Plat located at Plat Book 9, Page 16, Public Records of Collier County, Florida.

Section 2. That this live entertainment permit renewal is subject to the following conditions:

1. Live entertainment is limited to either: two indoor amplified performers, or one Disc Jockey performing between the hours of 7:30 p.m. and 11:30 p.m.

2. All exterior doors and windows shall remain closed during performances, with the exception that patrons and staff may enter and exit.

3. A permit for amplified and non-amplified sound shall be obtained from the Building Division in accordance with Section 22-37(h)(3) of the Code of Ordinances.

4. Noise levels shall comply with Code Section 22-37, "Noise."

5. This live entertainment approval shall expire annually and may be renewed annually.
6. In addition to any other enforcement action or penalty provided by ordinance or law, failure to comply with the conditions contained herein may subject the holder to revocation of the permit, in accordance with the City of Naples Revocation ordinance (Ord. No. 02-9778).

Section 3. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 1/30/08