RESOLUTION 08-11980
Meeting of 3/19/08

A RESOLUTION DETERMINING LIVE ENTERTAINMENT RENEWAL FOR OUTDOOR ENTERTAINMENT IN THE PROMENADE AREA AT BAYFRONT LOCATED AT 436 BAYFRONT PLACE, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bayfront, Inc., has requested approval of live entertainment renewal for outdoor entertainment in the Promenade area consisting of a maximum of five performers playing outdoors in the promenade area at Bayfront between the hours of 12:00 p.m. and 9:00 p.m. Thursday through Sunday not to exceed two days a week and not to exceed three hours per day during the hours of 12:00 p.m. and 9:00 p.m. in accordance with Section 56-125(i) of the Code of Ordinances; and

WHEREAS, Kevin Stoneburner, president of Bayfront, Inc., the owner of the property, is requesting outdoor entertainment renewal for Promenade area; and

WHEREAS, after providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council finds that the criteria for granting the petition have been met and that the petition should therefore be granted;

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

Section 1. That Live Entertainment renewal is hereby granted for outdoor live entertainment in the promenade area at Bayfront located at 436 Bayfront Place, more fully described as:

All that part of Government Lot 8 of Section 3, Township 50 South, Range 25 East, Collier County, Florida being bounded as follows: On the north by the south line of that land as described in O.R. Book 761, pages 1920 and 2921, Public Records of Collier County, Florida;

On the east by the west line of that land as described in O.R. Book 761, pages 1925 and 1926, Public Records of Collier County, Florida; On the south by the north line of and an easterly extension of the north line of that land as described in O.R. Book 828, pages 833 and 835, Public Records of Collier County, Florida; and,

On the west by the east right-of-way line of Goodlette Road (C.R. 851).

Section 2. That this approval is subject to the following conditions:

1. Live entertainment is limited to a maximum of five performers playing outdoors in the promenade area of the Bayfront Development between the hours of 12:00 p.m. and 9:00 p.m. Thursday through Sunday not to
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exceed two days a week and not to exceed three hours
der day during the hours of 12:00 p.m. and 9:00 p.m.

2. A permit for amplified and non-amplified sound shall
be obtained from the Building Division in accordance
with Section 106-239(h)(2) of the Code of Ordinances.

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

4. This live entertainment approval shall expire
annually and may be renewed annually.

5. 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 (02-9778).

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

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES,
FLORIDA, THIS 19TH DAY OF MARCH, 2008.

Attest:
Tara A. Norman, City Clerk

Approved as to form and legality:
Robert D. Pritt, City Attorney

Date filed with City Clerk: 4/8/08