

TAB 3

PALMETTO

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Palmetto, Florida 34220-1209
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida
Petitioner,

vs.

Case No. CEB 10-08

Sergio Nasser Ghaffari Nikon
DBA Win Some Auto Sales
3970 Gocio Road
Sarasota, Florida 34235
Respondent.

NOTICE OF HEARING

Address of Violation:
1811 8th Avenue West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 27th day of April, 2010, at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated March 12, 2010, and previously provided to you by Certified Mail/Return Receipt Requested on March 12, 2010. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and

evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you, as provided by law.** The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit A.

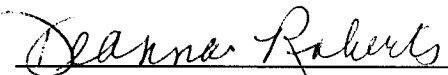
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

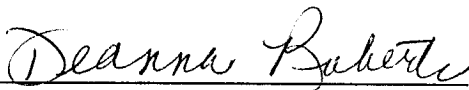
PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: March 26, 2010

**CODE ENFORCEMENT BOARD OF THE
CITY OF PALMETTO, FLORIDA**


Deanna Roberts
Clerk of the Board

I **HEREBY CERTIFY** that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Hand Delivery and by Regular Mail to the Respondent this 26th day of March, 2010.


Deanna Roberts
Clerk of the Board

cc: Mark Barnebey, City Attorney
David P. Persson, Code Enforcement Board Attorney

Win Some

Sec. 10.5. Recreation space.

Recreation space shall not be required except in connection with residential uses.

Sec. 10.6. Internal relationship.

The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflicts with vehicular traffic.

- (a) *Pedestrian systems and open space network:* Pedestrian [systems] through buildings shall relate to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district.
- (b) *Streets, parking areas and service areas:* Shall be so located and designed as to separate private vehicular use within the district from principal pedestrian areas. Such separation may be horizontal, with vehicular areas concentrated and grouped in a logical location or locations at edges of the district adjacent to major or collector streets, or vertical, with vehicular areas under buildings.
- (c) *Relationship of uses:* Shall be such that major commercial and service establishments are grouped for maximum pedestrian convenience along frontages uninterrupted by residential or general office occupancies. Residential or general office uses may either be separated vertically from commercial and service concourses.

ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AND AMENDMENT

Sec. 11.1. Enforcement responsibility.

The provisions of this code shall be administered by the zoning administrator who shall be designated by the city clerk. If the zoning administrator finds that any provision of this zoning code is being violated, the zoning administrator shall notify, in writing, the person responsible for such violation, stating the nature of the violation and ordering the action necessary to correct it.

The zoning administrator shall order the discontinuance of any illegal use of land, buildings, or structures; alterations or structural changes thereof; discontinuance of any illegal work being done; or shall take any other action authorized by this code to ensure compliance with or prevent violation of its provisions.

In addition to the above-described responsibilities, the zoning administrator is responsible and has the authority to perform the following:

- (a) Conduct such inspections of buildings, structures, and use of land as are necessary to determine compliance with the terms of this code;

- (b) Maintain permanent and current records of documents and proceedings under this code;
- (c) Provide and maintain a continuing program of education and public information on zoning matters;
- (d) Receive, file, and transmit to the board of adjustment, the planning and zoning board or the city council, all appeals and all applications for variances, amendments, and special permits, and other matters on which the board of adjustment, the planning and zoning board or city council are authorized to act under the provisions of this code.
- (e) Prescribe, and from time to time, revise such forms as may be necessary to carry out the intent of this code.

Sec. 11.2. Amendments to zoning code and map.

For the purpose of establishing and maintaining sound, stable, and desirable development within the City of Palmetto, this code shall not be amended except to correct a manifest error in the code or because of changed or changing conditions in a particular area or in the city generally, to rezone an area, extend the boundary of an existing zoning district, or to change the regulations and restrictions thereof, and then, only as reasonably necessary for the promotion of the public health, safety, or general welfare, and to achieve the purposes of and to achieve conformance with the comprehensive plan.

Sec. 11.3. Amendment initiation.

An amendment to this code may be initiated by:

- (a) City council;
- (b) The planning and zoning board;
- (c) The zoning administrator or other city staff; or
- (d) Any property owner or his or her representative; a citizen or his or her representative.

Sec. 11.4. Procedure for amendment.

(a) All applications for amendments shall be submitted to the zoning administrator. The zoning administrator shall distribute application to appropriate staff for review and recommendation.

(b) All proposed zoning amendments and changes to restrictions or regulations to be enforced therein shall be submitted to the planning and zoning board for study and recommendation. The planning and zoning board shall study such proposals to determine:

- (1) The need and justification for the change;
- (2) The effect of the change, if any, on the particular property and on surrounding properties;