

TAB 3



# PALMETTO

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

### **CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

**CEB Case No. 10-20**

Michael Peffley  
Katherine Elizabeth Emrick  
P.O. Box 14276  
Bradenton, Florida 34280-4276

**Respondents**

## **NOTICE OF HEARING/ASSESSMENT OF FINE**

### **Address of Violation:**

1306 13<sup>th</sup> Avenue West  
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Section 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 November 30, 2010 at 6:00 p.m. in the Commission Chambers at Palmetto City Hall located at 516 8<sup>th</sup> Avenue West, Palmetto, Florida. 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, in order to determine whether to assess a fine against you for the continuing violation of the City's codes. This hearing relates to the Administrative Order of the CEB finding you in violation of the City's codes and entered against you at the CEB Public Hearing conducted on October 27, 2009.

In determining the amount of the fine, if any, the CEB shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation; and,
- c. Any previous violations committed by the violator.

You have the right to appear at this hearing and offer evidence and testimony in your favor. Please be advised that if a fine is assessed against you, the Order Imposing Fine may be recorded in the Public Records and thereafter become a lien against any real or personal property owned by you. Assessed fines may not exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and Five Hundred Dollars (\$500.00) per day for a repeat violation.

**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:** November 10, 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/Assessment of Fine has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondents this 10<sup>th</sup> day of November, 2010.

  
Deanna Roberts  
Clerk of the Board

cc: Mark Barnebey, *Esq.*, City Attorney  
David P. Persson, *Esq.*, Code Enforcement Board Attorney  
Florida Foreclosure Attorneys, PLLC

APPENDIX B

ZONING CODE\*

- Art. I. General Provisions, §§ 1.1—1.12
- Art. II. Establishment of Official Zoning Atlas, §§ 2.1—2.6
- Art. III. Definitions, §§ 3.1, 3.2
- Art. IV. Schedule of District Regulations, §§ 4.1—4.3
- Art. V. Application of Area, Height and Placement Regulations, §§ 5.1—5.7
- Art. VI. Supplemental Regulations, §§ 6.1—6.21
- Art. VII. Nonconformities, §§ 7.1—7.10
- Art. VIII. Planned Development Districts—General Regulations, §§ 8.1—8.8
- Art. IX. Planned Development Housing District (PD-H), §§ 9.1—9.5
- Art. X. Planned Development District Multi-Use (PD-MU), §§ 10.1—10.6
- Art. XI. Administration, Enforcement, and Amendment, §§ 11.1—11.14
- Art. XII. Planning and Zoning Board, §§ 12.1—12.4
- Art. XIII. Reserved, §§ 13.1—13.7
- Art. XIV. Concurrency Management System, §§ 14.1—14.9
- Art. XV. Conditional Uses, §§ 15.1—15.7
- Art. XVI. Development Agreements, §§ 16.1—16.13
- Art. XVII. Telecommunications Towers, Antennae and Facilities Regulations, §§ 17.1—17.16

ARTICLE I. GENERAL PROVISIONS

Sec. 1.1. Effect on pending or future prosecution.

The adoption of this code shall not affect nor prevent any pending or future prosecution of, or action to abate violations of the previous City of Palmetto Zoning Code occurring prior to the effective date of this code.

→ Sec. 1.2. Legislative authority.

This code is enacted pursuant to the provisions of Chapter 166, Florida Statutes and Chapter 63-1599, Laws of Florida, whereby authority is conferred on the Palmetto City

\*Editor's note—Appendix B contains the zoning code of the city as adopted by Ord. No. 387, § 1, adopted Nov. 20, 1989. The zoning code is set out herein as enacted, with the exception that the editor has employed a uniform style of capitalization and has corrected obvious misspellings. Absence of a history note in parentheses following a particular section indicates that section derives unamended from Ord. No. 387. The presence of a history note indicates amendment. The former zoning ordinance of the city, being Ord. No. 466, was repealed by § 2 of Ord. No. 387.

Cross references—Signs, § 3-61 et seq.; alcoholic beverages, § 4-1 et seq.; animals, § 6-1 et seq.; buildings and building regulations, § 7-1 et seq.; community development, Ch. 11; floodplain management, § 14-1 et seq.; health and sanitation, Ch. 16; mobile homes, § 21-1 et seq.; planning and development, § 23-1 et seq.; subdivisions, § 26-1 et seq.

Council for the purpose of promoting health, safety, morals and the general welfare of the citizens of Palmetto, to permit the city council to establish zoning classifications within the corporate limits of the City of Palmetto:

- (a) To regulate and restrict the erection, construction, alteration and repair of buildings.
- (b) To regulate and restrict the uses of land, buildings, and structures.
- (c) To regulate and restrict the percentage of lot occupancy, size of yards and open spaces, and density of population.
- (d) To preserve and facilitate transportation, water, sewerage, schools, and parks.
- (e) To lessen congestion on highways and secure safety from fires and other dangers.

→ **Sec. 1.3. Intent and purpose.**

This code is adopted as one of the instruments of implementation of the public purposes and objectives of the Comprehensive Plan and is declared to be in conformance therewith.

It is the intent and purpose of the comprehensive plan and of this code, which aids in implementing the Comprehensive Plan, to promote the public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the citizens of Palmetto and to provide, among other matters, a wholesome, serviceable, and attractive community; to increase the safety and security of home life; to preserve and create a more favorable environment in which to rear children; to stabilize and enhance property and civic values; to develop meaningful and productive relationships between the private sector and city government; to provide for a more uniformly just land use pattern and tax assessment base; to aid in development and redevelopment of the city; to increase traffic safety and ease transportation problems; to provide more adequately for vehicular parking, parks, parkways, recreation, schools, public buildings and facilities, housing, job opportunities, light, air, water, sewerage, sanitation, and other public requirements; to lessen congestion, disorder, and danger which often occur in unplanned and unregulated suburban, urban, and rural development; to prevent overcrowding of land and undue concentration of population; to ensure compatibility of new development with existing development and open space; to conserve and enhance the manmade resources of the city; to provide for the appropriate utilization, conservation, and protection of natural resources in the city; and to provide more reasonable and serviceable means and methods of protecting and safeguarding the economic and social structure upon which the good of all depends.

To further the objective of the Comprehensive Plan and the intent and purpose of this code, the city is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or use as will accomplish the objectives of the comprehensive plan and this code.

**Sec. 1.4. Conflicting regulations.**

When any provision of this code imposes more stringent or less stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any

other ordinance or law, the provisions which are more restrictive or which impose higher standards or requirements, shall govern.

→ **Sec. 1.5. Area of coverage.**

The regulations of this code shall apply throughout the corporate limits of the City of Palmetto.

→ **Sec. 1.6. Code affects all lands, water, structures, uses and occupancies.**

No building, structure, land or water shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, reconstructed, moved, located, or structurally altered except in conformity with the regulations set out generally herein and for the district in which it is located.

→ **Sec. 1.7. Code affects height and bulk of buildings, population density, lot coverage, yards and other open spaces, off-street parking and loading, signs and other matters.**

In particular, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered in any manner so as:

- (a) To exceed the permitted height, bulk or floor area;
- (b) To accommodate or house a greater number of families or other occupants, or to provide a greater number of dwelling units;
- (c) To occupy a greater percentage or portion of lot area;
- (d) To provide less lot area per dwelling unit or to occupy a smaller lot;
- (e) To provide narrower or smaller yards or other open spaces, or spaces of separations between buildings or portions thereof;
- (f) To provide less off-street parking or off-street loading space;
- (g) To display more signs, signs of greater area, or signs of a different character;
- (h) To permit the use of the building or structure for a use not permitted in the district in which it is located;

than herein required or limited, or in any other manner contrary to any provisions of this code.

**Sec. 1.8. Yard, area, open space, off-street parking and off-street loading space for one structure or use not to be used to meet requirements for another.**

No part of a yard, area, open space, or off-street parking or off-street loading space required for one (1) structure or use shall be included as meeting requirements for another, except where specific provisions therefor are made in this code.

**Sec. 1.9. Creation of new lots; reduction of lot or yard dimensions below minimum requirements prohibited.**

No new lot shall be created after the effective date of this code except in conformity with the requirements of applicable regulations. No yard or lot existing at the time of passage of these regulations shall be reduced by private action in width, depth, or area below the minimum requirements set forth herein.

**Sec. 1.10. Reduction of required off-street parking or off-street loading space prohibited.**

No off-street parking or off-street loading space affected by these regulations which meets all or part of the requirements of this code for such space shall be reduced or eliminated by private action, except where approved alternative off-street parking or off-street loading space meeting such requirements is provided, unless no longer required by this code.

**Sec. 1.11. Required accessory uses on same zoning lot with same zoning.**

All required accessory uses for any principal use, including, but not limited to, off-street parking and loading areas, retention or drainage areas, and private sewer or water systems shall be located on the same zoning lot as the principal use and shall have the same zoning district designation as the principal use, except as permitted elsewhere in this code.

**Sec. 1.12. Short title.**

This code may be referred to and cited as the Palmetto Zoning Code.

**ARTICLE II. ESTABLISHMENT OF OFFICIAL ZONING ATLAS**

→ **Sec. 2.1. Establishment of zoning districts.**

In order to classify, regulate and restrict the uses of land, water and structures; and to restrict the height and density of structures and open areas around structures in the incorporated areas of the City of Palmetto, Florida, said territory is hereby divided into zoning districts which are set out as the following district titles:

*Establishment of Current Zoning District*

- ER
- RS-1
- RS-2
- RS-3
- RS-4
- RM-5
- RM-6
- MHP-1
- GO

CN  
 CC  
 CG  
 CHI  
 PD-H  
 PD-MU

**Sec. 2.2. Relationship of current zoning districts to previous zoning districts.**

For the purpose of coordinating the provisions of this zoning code with the provisions of other existing codes and ordinances, and with the previous zoning code of the City of Palmetto (Ord. No. 466, as amended), the following table shall determine the applicability of those codes and ordinances to the zoning districts as provided by this zoning code.

<i>Establishment of Current Zoning Districts</i>	<i>Relationship of Current Zoning Districts To Previous Zoning Districts</i>	<i>Equivalent Zoning District as per the Previous Zoning Code</i>
ER		No direct correlation
RS-1		R-1C
RS-2		R-1 and R-1B
RS-3		R-2
RS-4		R-3 and R-5
RM-5		R-3A and R-6
RM-6		R-4, R4-1A, and R-6
MHP-1		T, T-1, and T-2
GO		PE
CN		C-4
CC		No direct correlation
CG		C-2
CHI		C-1 and C-3
P		P-1
PD-H or PD-MU		PD
No direct correlation		FBH

(a) All land having been zoned in the previous zoning code has been rezoned at the time of the adoption of this code to a district deemed appropriate and consistent with the comprehensive plan by the Palmetto City Council after all required procedures for public notice and hearings.

(b) ER and CC districts are created with the adoption of this zoning code. The FBH district is deleted in its entirety with the adoption of this zoning code.

(Ord. No. 444, § 1, 11-19-90)



**Sec. 2.3. Adoption of official zoning atlas.**

The official zoning atlas, together with all lawfully adopted explanatory material shown thereon or therewith, is hereby adopted by reference and declared to be part of this code.

**Sec. 2.4. District regulations extend to all portions of districts surrounded by boundaries.**

A district symbol or name shown within district boundaries in the official zoning atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided.

**Sec. 2.5. Official zoning atlas; final authority.**

Regardless of the existence of purported copies of all or part of the official zoning atlas which may from time to time be made, published, or reproduced, the official zoning atlas shall be the final authority as to the current zoning status of all lands and waters in the corporate limits of the City of Palmetto.

**Sec. 2.6. Retention of earlier zoning maps or atlases.**

At least one (1) copy of all zoning maps or atlases, or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for the city prior to the effective date of adoption or amendment of this code, shall be retained by the city clerk and preserved as a public record and as a guide to the zoning status of lands and waters prior to such dates.

**ARTICLE III. DEFINITIONS****Sec. 3.1. Word usage.**

For the purposes of this ordinance, the terms and words herein shall be interpreted as follows, unless otherwise expressly stated:

- (a) Words in the present tense shall include the future tense.
- (b) The words "persons," "owner," or "developer" includes an individual person, a profit or nonprofit corporation, company, partnership, association, or governing body.
- (c) Words used in the singular shall include the plural.
- (d) The words "used" or "occupied" as applied to any land or building include the words "intended, arranged or designed to be used or occupied".
- (e) The word "lot" includes the words "plot" or "parcel".
- (f) The word "building" includes structure.
- (g) The words "shall" and "will" are always mandatory.
- (h) The word "may" is permissive.

- (i) Words not defined in section 3.2 shall have the meaning commonly assigned to them.

→ **Sec. 3.2. Definitions of terms.**

Unless otherwise expressly stated, for the purposes of this code, the following words, terms and phrases shall have the meaning herein indicated.

*Abut*: To physically touch or border upon; or to share all or part of a common lot line or parcel of land.

*Accessory*: Having a subordinate function. See also Building, accessory; Structure, accessory; and Use, accessory.

*Adult entertainment establishment*: Those business operations whose primary business is to provide adult entertainment predominantly involving "specified sexual activities" or "specified anatomical areas". Such establishment shall include, but shall not be limited to, cabarets, adult bookstores, adult theaters, and adult photographic studios, which terms are more specifically defined as follows:

- (a) *Adult bookstore*: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals, printed matter, films, video tapes or photographic materials, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- (b) *Adult theater*: An enclosed building or an enclosed space within a building used for presenting either filmed or live material or performances which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (c) *Adult photographic studio*: Any establishment which offers or advertises the use of its premises for the purpose of photographing or exhibiting "specified sexual activities" or "specified anatomical areas".
- (d) *Cabarets*:
- (1) Any bar, dancehall, restaurant or other place of business at which food or beverages are served, which features nude dancing, topless or bottomless dancers, strippers or similar entertainers, topless waitresses; or
  - (2) Any such establishment which is advertised or identified through the use of a sign or signs employing the words "Adult", "Topless", "Bottomless" or other words of similar import; or
  - (3) Any such establishment which provides adult entertainment involving the exposure of "specified anatomical areas."
- (e) *Specified sexual activities* is defined as:
- (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of the human genitals, pubic region, buttocks or female breast.

(f) *Specified anatomical areas* is defined as:

(1) Less than completely and opaquely covered:

- a. Human genitals or pubic region,
- b. Buttocks, or
- c. Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

*Adjacent:* A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. Adjacent shall also include any property separated by a public or private right-of-way.

*Agriculture:* The use of land for farm and truck gardens and maintaining bovine and equine animals not exceeding two (2) farm animals per acre.

*Agricultural commodity:* Any and all agricultural, horticultural (including floricultural), viticultural, fruit, citrus and vegetable products produced in this state.

*Alcoholic beverages:* Those beverages containing more than one (1) percent of alcohol by weight including, but not limited to, beer, wine, malt beverages, liquor and distilled spirits.

*Alley:* A public right-of-way that is intended to provide only a secondary means of access to abutting property and not intended for general traffic circulation.

*Alteration:* Any physical change to a building, structure, or site, including, but not limited to, access, size, floor area, height, projections, rearrangement or moving of parts.

*Amusement park:* A permanent facility with rides and other devices for entertainment.

*Animal hospital:* Any structure and land used for the medical and surgical care of ill, injured or disabled animals and the housing or boarding of domestic animals.

*Bed and breakfast home:* A dwelling unit or portion thereof where, for compensation, guest lodging, rooms, and meals are provided. The operator of the bed and breakfast shall live in the dwelling unit or in an adjacent dwelling unit.

→ *Boarding/rooming house:* A building or group of buildings containing in combination three (3) or more lodging units intended primarily for rental or lease for a period of longer than one (1) week, with or without board.

*Body shop, automotive:* Automotive body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition for a reasonable period of time during which they are actively being restored to operating condition.

*Building:* Any structure, having a roof, designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

*Building, accessory:* A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

*Building, principal:* A building, or where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building(s) is located.

*Business services:* An establishment offering primarily services to the business community and to individuals. Such services include, but are not limited to, advertising agencies, blueprinting and photocopying services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, financial services (other than banks), and real estate services.

*Certificate of concurrency:* The certificate issued by the City of Palmetto upon finding that an application for a building permit will not result in the reduction of the level of service standards set forth in the comprehensive plan for public facilities and services.

*Certificate of occupancy:* A document issued by an authorized official setting forth that land, a building or structure legally complies with the Palmetto Building Code, this code and other pertinent local and state requirements and that the same may be used for the purpose stated therein.

*Child care center:* Any establishment that provides on a regular basis supervision and care for more than five (5) children unrelated to the operator for a period of less than twenty-four (24) hours a day and which receives a payment, fee or grant for any of the children receiving care and whether or not operated for profit, except that the following are not included: public school and nonpublic schools which are in compliance with the compulsory school attendance law, Chapter 232, Florida Statutes; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

*Church/synagogue:* Tax exempt buildings used for nonprofit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue.

*Commercial vehicle:* Any vehicle which meets or exceeds one (1) or more of the following:

- (a) Has a gross weight of ten thousand (10,000) pounds (five (5) tons);
- (b) Has a width of eight (8) feet;
- (c) Has a height of ten (10) feet;
- (d) Has a length of twenty-four (24) feet;
- (e) Is designed to transport more than fifteen (15) passengers, including the driver; or
- (f) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1801 et seq.

The term "commercial vehicle" includes trailers, regardless of whether a trailer is attached to a vehicle, and does not include recreational vehicles or motor homes.

*Comprehensive plan:* The City of Palmetto Comprehensive Plan adopted by Ordinance No. 368B [Code Section 23-3] on May 15, 1989 by the city council pursuant to Chapter 163, Part II, Florida Statutes, as said plan may be amended from time to time.

*Concurrency determination:* An evaluation of the available capacity minus the demand of the proposed project. This determination will be made during the development permit application procedure. However, a draw-down of facility capacity and a certificate of concurrency will be issued only when a building permit is issued.

*Concurrency facilities and services:* Public facilities and services for which level of service standards have been established in the comprehensive plan:

- (a) Potable water.
- (b) Wastewater.
- (c) Solid waste.
- (d) Recreation/open space.
- (e) Stormwater management.
- (f) Transportation.

*Concurrency management system:* The procedures and processes utilized by the City of Palmetto to determine that development permits, when issued, will not result in the reduction of the level of service standards set forth in the comprehensive plan.

→ *Conditional use:* A use which is not permitted as a matter of right in a zoning district but which is permitted only where approved by the Palmetto City Council and where such use complies with the conditional use standards set forth in the Palmetto Zoning Ordinance and Ordinance No. 196, as amended.

→ *Congregate living facility:* Any building, buildings, section of a building, or distinct part of a building, residence, private home, boardinghouse, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours housing, food services, and one (1) or more personal care services (as defined by this code) to persons not related to the owner or operator by blood, marriage, or adoption. Said use shall be licensed, certified or approved by the state department of health and rehabilitative services.

Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment. For purposes of this code, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing, convalescent and extended care facilities.

*Development permit:*

- (a) Building permit.
- (b) Commercial site plan review.
- (c) Rezonings.
- (d) Subdivisions.
- (e) Conditional use.
- (f) Development orders for developments of regional impact, as defined in Section 380.06, Florida Statutes.

*Domestic vehicle:* Any vehicle licensed as a private vehicle for operation on streets or waterways and may include, but not be limited to automobiles, private pickup trucks, and vans, and private pleasure craft.

*Drinking establishment:* An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. If the facility also sells food, and the sale of food products represents more than fifty (50) percent of the facility's total sales, the facility shall be considered an eating establishment.

*Dry-cleaning plant:* An establishment engaged in providing laundry, dyeing and dry-cleaning services on a large scale for institutions, businesses or other such establishments.

*Dry cleaners:* An establishment engaged in providing laundry, dyeing and dry-cleaning services to individual customers.

*Dry cleaners, small:* An establishment engaged on a small scale in providing laundry, dyeing and dry-cleaning services to individual customers which employs not more than five (5) persons. The maximum number of employees shall not exceed five (5) persons on any shift.

*Dwelling, multi-family:* A structure containing three (3) or more attached dwelling units either stacked vertically above one another, or attached by side and rear walls, or both.

→ *Dwelling, single-family attached:* A structure containing three (3) or more dwelling units with both side walls (except end units of building) attached from ground to roof (i.e., town-house).

→ *Dwelling, single-family detached:* A structure containing one (1) dwelling unit with open space on all sides.

→ *Dwelling, single-family:* Where used in this code, it shall mean single-family attached and single-family detached.

*Dwelling, two-family:* A structure containing two (2) dwellings attached by a common side or rear wall.

*Dwelling unit:* A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one

(1) family only; for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis; and containing independent kitchen, sanitary and sleeping facilities.

*Easement:* Any strip of land created for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

*Eating establishment:* Any establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state.

Sit-down eating establishments are those at which food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables.

Walk-in/drive-in eating establishments are those at which the customers receive, but do not consume, the food and/or beverages at a counter, bar, or from a drive-in window.

*Family:* Any number of people related by blood, marriage or adoption or not more than five (5) unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

*Family day care home:* A residence within which child care and supervision is provided for no more than five (5) children, unrelated to the caregiver, for less than a twenty-four-hour period.

*Farm animal:* Animals that are useful to man, including, but not limited to, dairy animals; poultry; or livestock, including beef cattle, sheep, swine, horses, mules, or goats.

*Farm labor camp:* One (1) or more buildings or structures, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment or used as living quarters for seasonal, temporary or migrant farm workers or their families, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

*Funeral home:* A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

*Garage, private residential:* A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

*Garage, public:* A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

*Gas station:* An establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

*Zoning districts:* Areas of land or water whose boundaries are indicated on the official zoning atlas, within which all properties are regulated by the general regulations of this code and the specific regulations of the individual district.

(Ord. No. 420, §§ 1—3, 8-6-90; Ord. No. 444, § 2, 11-19-90; Ord. No. 517, § 1, 6-20-94; Ord. No. 618, § 1, 8-3-98; Ord. No. 01-706, § 1, 4-16-01; Ord. No. 04-828, § 2, 12-6-04; Ord. No. 05-862, § 2, 8-29-05)

#### ARTICLE IV. SCHEDULE OF DISTRICT REGULATIONS

##### → Sec. 4.1. Schedule of statements of purpose and intent.

The following array presents for the several districts the statements of purpose and intent applicable to each district.

- (a) *Single-family residential districts:* Single-family districts provide for detached residential housing development on a variety of lot sizes in accordance with the Palmetto Comprehensive Plan. Accessory uses and certain conditional uses are also permitted.
- (1) *E-R Estate Residential District:* The purpose of the E-R Estate Residential District is to serve as a transitional area between primarily agricultural areas and suburban developments. The transitional nature of this district is furthered by permitting general gardening and agricultural pursuits to such an extent as to supply the occupants' personal needs. In addition, maintaining bovine and equine animals for the occupants' use or need only, not exceeding two (2) farm animals per acre, is permitted. (1 du/ac.)
  - (2) *RS-1 Single-family residential:* This district provides areas primarily for single-family detached dwellings on spacious lots (fifteen thousand (15,000) square feet or larger) wherein a property owner may obtain reasonable assurance of compatible development. For restrictions with respect to the keeping of cows and/or horses, refer to Section 6.19 Cows and horses in RS-1 District, requirements. (2.9 du/ac.)
  - (3) *RS-2 Single-family residential:* This district provides areas primarily for single-family detached dwellings on ten thousand (10,000) square foot or larger lots. (4.36 du/ac.)
  - (4) *RS-3 Single-family residential:* This district provides areas primarily for single-family detached dwellings similar to those provided in RS-1 and RS-2 but with smaller (seven thousand five hundred (7,500) square feet) lot size requirements. (5.8 du/ac.)
  - (5) *RS-4 Single-family residential:* This district provides areas primarily for single-family detached dwellings similar to those provided in RS-1, RS-2, and RS-3 but with smaller (five thousand (5,000) square feet) lot size requirements. (8.7 du/ac.)
  - (6) *MHP-1 Mobile home park district:* The intent of the MHP-1 Mobile Home Park District is to identify and stabilize those geographic areas within the City of



Palmetto that are presently platted or developed as mobile home parks. The district is intended to be used primarily for mobile homes for residential occupancy upon lots owned by the resident or rented or leased by the designated tenant. Travel and transient trailers may be considered as conditional uses.

- (b) *Multiple-family residential districts:* Multiple-family districts provide for residential development at a variety of densities in accordance with the Palmetto Comprehensive Plan. Accessory uses and certain conditional uses are also permitted.
- (1) *RM-5 Duplex and Single-family Residential:* This district provides primarily medium density residential uses including single-family and two-family (duplex) developments. (10 du/ac.)
  - (2) *RM-6 Multiple family residential:* This district provides for primarily medium density residential multifamily developments. (10 du/ac.)
- (c) *Office district (GO):* The office district is intended to provide for office uses and related support uses. Office uses permitted in this district are to be of an intensity and character so that they do not compete with office uses permitted in the core. All types of office uses are included in this zoning district: business, professional and health-related.
- (d) *Commercial districts:* The commercial districts provide for various retail sales, personal services, office and institutional uses, accessory uses as appropriate, compatible supporting uses. Commercial uses shall be at the appropriate locations as established in the Palmetto Comprehensive Plan.
- (1) *CN Neighborhood Commercial:* This district provides areas for limited retail and personal services. Neighborhood Commercial does not permit the manufacturing or treatment of products other than those products which are clearly incidental to the conduct of the business on the premises. Wholesaling and jobbing are prohibited.
  - (2) *CC Commercial Core:* This district is only located in the redevelopment area and its purpose is to provide areas for general commercial/retail activities that are associated with a compact, pedestrian-oriented, downtown core.
  - (3) *CG Business and Light Commercial:* This district provides areas where a variety of retail and commercial service activities can be conducted compatible with surrounding uses and residential districts.
  - (4) *CHI Heavy Commercial and Light Industrial:* This district provides areas for intense commercial and light industrial activities permitting heavy commercial, light industrial, and service uses in appropriate locations.
- (e) *Special purpose district:*
- (1) *P Public:* The intent of the P Public District is to identify and stabilize those geographic areas within the City of Palmetto that are appropriate for the

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 labor Camp	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Small (10 units or less)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Large (more than 10 units)	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Stable, private	X	X	—	—	—	—	—	—	—	—	—	—	X	—
Stable, public	X	—	—	—	—	—	—	—	—	—	X	X	—	—
Nursery, wholesale or retail	—	—	—	—	—	—	—	—	—	—	—	X	X	—
Roadside stand—Temporary	C	—	—	—	—	—	—	—	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
<i>Manufacturing, processing and assembly</i>														
Open uses of land—Light														
Cemetery, human	—	—	—	—	—	—	—	—	C	C	C	C	C	C
Cemetery, pet	—	—	—	—	—	—	—	—	—	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>														

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

Use	Zoning District											P		
	E-R	RS-1	RS-2	RS-3	RS-4	MHP-1	RM-5	RM-6	GO	CN	CC		CG	CHI
Eating establishments	-	-	-	-	-	-	-	-	-	X	X	X	X	-
Drinking establishments	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Shoppers goods	-	-	-	-	-	-	-	-	X	X	X	X	X	-
Gas station	-	-	-	-	-	-	-	-	-	X	X	X	X	-
Liquor stores	-	-	-	-	-	-	-	-	-	X	X	X	X	-
Lumber and other building materials	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Mobile home, boat, and RV sales	-	-	-	-	-	-	-	-	-	-	-	X	X	-
Motor vehicle sales and rental	-	-	-	-	-	-	-	-	-	-	C	X	X	-
New boat sales (see section 6.20)	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Service station	-	-	-	-	-	-	-	-	-	-	X	X	X	-
Services														
Banking	-	-	-	-	-	-	-	-	X	X	X	X	X	-
Bed and breakfast home	C	C	C	C	C	-	C	-	-	-	-	-	-	-
Business services	-	-	-	-	-	-	-	X	X	X	X	X	X	-
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	-
Nursing, convalescent and extended care facilities	-	-	-	-	-	-	-	C	C	-	X	X	X	-
Lodging places	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Boarding/rooming house	-	-	-	-	-	-	-	X	-	X	-	X	-	-