

TAB 2



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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 11-10

Sergio Nasser Ghaffari Nikon
3970 Gocio Road
Sarasota, Florida 34235-6728

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 30th day of August, 2011 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 August 3, 2011 and previously provided to you by Certified Mail/Return Receipt Requested on August 3, 2011. 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.

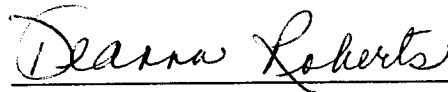
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is 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.

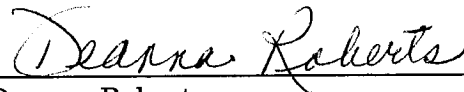
DATED: August 11, 2011

**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 Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 11th day of August, 2011.



Deanna Roberts
Clerk of the Board

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

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—6.22
- 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, R-4-1A, and R-6 |
| MHP-1 | | T, T-1, and T-2 |
| GO | | PR |
| 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.

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; Ord. No. 09-999, § 2, 9-28-09)

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

Fee waiver: Fees can be waived administratively for federal, state, and local units of government which are funded by ad valorem taxes. All other waiver requests shall be in accordance with applicable ordinances or resolutions adopted by the city council and established procedures.

(Ord. No. 525, § 1, 9-26-94; Ord. No. 02-01, § 1, 1-7-02)

Secs. 7-26—7-30. Reserved.

ARTICLE III. FLORIDA BUILDING CODE*

* Sec. 7-31. Florida Building Code adopted by reference.

The city hereby acknowledges, adopts and incorporates within the Code of Ordinances the Florida Building Code as promulgated by the state building commission and adopted pursuant to F.S. chapter 553, part VII, which shall regulate, control and provide standards for building and construction activities including building, plumbing, electrical, mechanical and fuel gas construction standards, hurricane construction standards, fairhousing guidelines, accessibility and energy efficiency standards for the city. Furthermore, as provided by state law, the applicability of the Florida Fire Prevention Code is also incorporated through its inclusion by reference in the Florida Building Code. At least one (1) copy of the Florida Building Code along with any amendments or revisions thereto as provided for by state law, shall remain on file in the office of the city clerk for public use and inspection as well as the office of the city building official. Revisions, amendments or additions to the Florida Building Code shall only be made and become effective as provided for by state statutory law.

(Ord. No. 02-01, §§ 2, 6, 1-7-02)

Secs. 7-32—7-50. Reserved.

ARTICLE IV. IMPACT FEES

DIVISION 1. IN GENERAL

Sec. 7-51. Purpose and intent.

The purpose and intent of this article is to require that new development pay for its fair share of public facilities through the imposition of impact fees which will be used to finance, defray or reimburse the city for all or a portion of the costs of public facilities which serve such

***Editor's note**—Ord. No. 02-01, §§ 2 and 6, amended the Code by repealing former art. III, §§ 7-31—7-35, and added a new art. III to read as herein set out. Former art. III pertained to building standards, and derived from the Code of 1975, § 7-17; Ord. No. 204, adopted February 6, 1984; Ord. No. 249, adopted October 7, 1985; Ord. No. 328, adopted September 8, 1987; Ord. No. 386, adopted November 6, 1989; Ord. No. 458, adopted August 5, 1991; Ord. No. 549, adopted October 6, 1995; and Ord. No. 625, adopted October 5, 1998.

State law reference—Minimum standards for buildings, F.S. § 553.73.

Chapter 19

LICENSES AND BUSINESS REGULATIONS*

- Art. I. In General, §§ 19-1—19-25**
Art. II. Local Business Tax, §§ 19-26—19-65
Art. III. Private Detectives, §§ 19-66—19-120
Div. 1. Generally, §§ 19-66—19-85
Div. 2. License, §§ 19-86—19-120
Art. IV. Solicitation, §§ 19-121—19-160
Art. V. Secondhand Goods, §§ 19-161—19-170
Art. VI. Special Function Permits, §§ 19-171—19-180

ARTICLE I. IN GENERAL

Sec. 19-1. Ice cream truck; applicability and enforcement of county ordinance.

The City of Palmetto hereby incorporates by reference Manatee County Ordinance 07-74, as amended from time to time, as if fully rewritten herein. The City of Palmetto shall have the authority to enforce the provisions of said county ordinance within the City of Palmetto by citation, code enforcement board proceedings, or in any other manner provided for in this Code of Ordinances.

(Ord. No. 08-975, § 2, 9-22-08)

Secs. 19-2—19-25. Reserved.

ARTICLE II. LOCAL BUSINESS TAX†

*** Sec. 19-26. Payment of tax required.**

* (a) A business tax is hereby levied on:

* (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within the city.

***Cross references**—Administration, Ch. 2; finance, § 2-46 et seq.; code enforcement, § 2-81 et seq.; advertising and signs, Ch. 3; alcoholic beverages, Ch. 4; amusements, Ch. 5; buildings and building regulations, Ch. 7; advertising of contractors, § 7-201 et seq.; cable television regulations, Ch. 8; procedure for abatement of nuisances involving excessive growth of weeds or other noxious plants, accumulations of trash, fill and other matter excavations or depressions in which pools of water are located § 16-26 et seq.; junked, wrecked, abandoned property, Ch. 18; sales, Ch. 24; license required for conducting certain sales in the city, § 24-46; taxation, Ch. 27; vehicles for hire, Ch. 30.

State law references—Regulatory fees, F.S. § 166.221; local occupational license taxes, F.S. Ch. 205.

†**Editor's note**—Ord. No. 08-960, § 3, adopted March 3, 2008, repealed the former Art. II, §§ 19-26—19-46, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 308, adopted March 16, 1987.

- ✓ * (2) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any profession or occupation within the city.
- ✓ * (3) Any person who does not qualify under subsection (1) or (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by article I, section 8 of the United States Constitution.
- ✓ * (b) The obligation of securing a business tax receipt rests with the owner or owners of a business, but in the event of noncompliance, the owner's principal, agent or employee shall be subject to the same enforcement policies, in addition to the owner or owners.
- ✓ * (c) Professional practitioners are recognized professions regulated by state boards requiring examination and certification. Each person engaged in the practice of their profession whether alone, in a partnership or as an employee of another person, partnership, corporation or professional association shall pay a business tax.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-27. Application.

Prior to the issuance of any business tax receipt a written application therefor signed by an officer, partner or owner of the proposed business, occupation or profession, shall be filed with the city clerk. In such application, the applicant shall set forth the following:

- (1) Name of the owner (if firm, the names of all members of the firm; if a corporation, the names of all officers of the corporation);
- (2) Federal employer ID number (if sole proprietorship Social Security Number);
- (3) If state licensed individual, state license number;
- (4) Location of the business;
- (5) Full nature of the business;
- (6) Where the business tax is based thereon, the value of the stock carried or the number of seats, machines, employees, gasoline pumps, rooms, or vehicles, etc., used, as the case may be; and
- (7) Such other pertinent information as may be prescribed by the city clerk.

All business tax applications shall be applied for and issued in the real name of the applicant. In cases where the applicant does or will do business under a fictitious, trade or firm name, the application, and the business tax receipt if issued, shall show the real name as well as the fictitious, trade or firm name of the applicant. The city clerk may waive the requirement of a written application in all cases of renewals of existing business taxes, but shall require, before issuing any renewal business tax receipt, the furnishing of all necessary information pertinent to the establishment of the proper business tax or fee for such business tax.

(Ord. No. 08-960, § 4, 3-3-08)

- (2) The purchaser shall produce a properly executed instrument showing the transfer of the business.
 - (3) The purchaser shall file an application for business tax receipt and shall qualify in all respects as provided by law and by the ordinances of the city as an applicant for a business tax receipt, as if he had applied for the business tax receipt in the first instance.
 - (4) A fee shall be paid to the city clerk in connection with such transfer in the amount established by the city commission.
 - (5) Where the applicant has been exempted from payment of all or any part of the business tax therefor, any such business tax receipt shall not be transferable under this section.
- (Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-39. Revocation for violation of ordinances.

The city clerk may revoke a business tax receipt, or refuse to renew or issue one (1) for the current or immediately following permit year, where:

- (1) The code enforcement board finds that a person required to obtain such receipt has violated two (2) or more city codes, or the same city code two (2) or more times, on the premises or in connection with the business operated on the premises;
- (2) The code enforcement board finds that a person required to obtain such receipt has committed a continuing violation on the premises or in connection with the business operated on the premises that exceeds two (2) weeks; or
- (3) The city commission determines that a person required to obtain such receipt has violated a law of the state pertaining to, regulating or licensing such business such that operation of the business could be detrimental to the public health, safety or welfare.

In the case of the revocation of a business tax receipt, the city shall refund to the licensee the pro rata unearned or unused portion of the local business tax for the applicable permit year.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-40. Approval of building and zoning departments before issuance.

No business tax receipt shall be issued under this article for any business, occupation or profession until the location of such business shall have first been approved by the building and zoning departments of the city as to its compliance with building, zoning and other regulatory ordinances of the city. Approval from the building and zoning departments shall be required upon renewal only if there is a change in location, ownership or classification of the business.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-41. Authority of city clerk to make regulations.

The city clerk may make such rules and regulations, not inconsistent with this article, as may be necessary or proper for the enforcement of the provisions hereof.
(Ord. No. 08-960, § 4, 3-3-08)

✓ * **Sec. 19-42. Commercial activity on city property.**

* (a) *Business and services.* It shall be unlawful for any person to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any property or facilities owned or operated by the city, its agents, departments, representatives, or instrumentalities, without first obtaining a permit, concession, lease, or other authorization in writing approved by the city commission or signed by the mayor. A city business tax receipt, alone, shall not authorize any person to engage in any of the prohibited activities on city property or facilities.

✓ * (b) *Advertising prohibited on city property or facilities.* It shall be unlawful for any person to post, display or distribute any signs, advertisements, circulars, handbills, printed or written matter relating to any business or commercial activities, on any property or facilities owned or operated by or for the city without first obtaining a permit, concession, lease, or other authorization in writing approved by the city.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-43. Property not exempt from other taxes.

The business tax imposed and collected under this article shall not be construed to exempt from other forms of taxation the property used in the taxed business or profession.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-44. Business tax fee a debt.

The amount of any business tax and penalty imposed by the provisions of this article is hereby declared to be a debt to the city, and any person carrying on any business without first having procured a business tax receipt from the city, shall be liable to the city for the amount of such business tax recoverable in any court of competent jurisdiction.
(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-45. Enforcement and penalties.

The code enforcement board shall be responsible for enforcing this article pursuant to the rules and procedures established in chapter 2, article IV of this Code. In addition to any fines or penalties provided under chapter 2, Article IV, the following shall apply:

- (1) Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional

five (5) percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed twenty-five (25) percent of the business tax for the delinquent establishment.

- (2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of twenty-five (25) percent of the tax due, in addition to any other penalty provided by law or chapter 2, article IV of this Code.
- (3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to two hundred fifty dollars (\$250.00).
- (4) The full amount of any delinquent tax and related penalties shall be paid in cash or in the form of a money order or cashier's check.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-46. Business tax inspection regulatory fee.

The city building department shall collect an additional inspection fee in the amount established by the building department for each application submitted for the issuance of a business tax receipt. This fee as set forth will defray the cost of inspection for occupancy of the premises by the building and zoning department which includes air conditioning, electrical, plumbing and fire inspections. This inspection fee is not refundable.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-47. Appeal.

Any decision of the city clerk or the code enforcement board may be appealed by the applicant to the city commission, whose decision shall be final. The applicant shall file a written notice to appeal setting forth the reasons for the appeal within ten (10) days from the decision appealed. The city commission shall hear the appeal and render its decision within thirty (30) days of the filing of the notice of appeal, unless extended by the city commission for good cause.

(Ord. No. 08-960, § 4, 3-3-08)

Sec. 19-48. Schedule of business taxes.

The various businesses, occupations and professions within the city are hereby classified for the purpose of this article, and the following business taxes shall be assessed and collected:

A

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| Abstract companies..... | \$156.00 |
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| Rental units, including hotels, motels, apartments, hospitals, convalescent or nursing homes, etc.: | |
| a. 3 to 5 units, per unit..... | 5.00 |
| b. Over 5 units..... | 25.00 |
| Plus, for each additional unit up to 19..... | 3.00 |
| c. 20 units..... | 70.00 |
| Plus, for each additional unit up to 39..... | 2.00 |
| d. 40 units..... | 110.00 |
| Plus, for each additional unit..... | 1.00 |
| Repair and service..... | 31.00 |
| Restaurant, snack bar, soda fountain, ice cream stand, concession stand, etc.: | |
| a. 1 to 25 seating capacity..... | 39.00 |
| b. 26 to 50 seating capacity..... | 78.00 |
| c. 51 to 100 seating capacity..... | 117.00 |
| d. 101 or more seating capacity..... | 156.00 |
| e. Stand or counter without seats..... | 31.00 |
| License for any combination of above two (2) types of establishment will be issued at the highest fee specified for any one (1) type. Also requires each applicable license such as Beverage, Dancing, Entertainment, Merchant, etc. Unless connected with business requiring merchant's license, the first \$500.00 of merchandise for sale such as cigars, cigarettes, candy novelties, etc., shall be exempt. | |
| Riding academy..... | 39.00 |
| Rink, skating, etc..... | 39.00 |
| Road stand, marketing seafood or agricultural products by other than the producer or grower thereof..... | 39.00 |

S

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| Safe and vault: | |
| a. Erection: (see Contractor and subcontractor) | |
| b. Portable: (see Merchant) | |
| Sand, gravel, dirt, rock and shell dealer, if not city-licensed building material and supply dealer..... | 39.00 |
| Sandwiches: (see Manufacturing) | |
| School, studio and instruction, includes art, arts and crafts, auto driving, barber, beautician, bridge, business, dancing, dramatics, golf, model or | |