

This instrument prepared by:
 Thad Crowe, AICP
 201 North 2nd Street
 Palatka, Florida 32177

ORDINANCE NO. 12-33

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-151 TO LIMIT SALES ITEMS IN OUTDOOR PROMOTIONAL SALES AND TEMPORARY GOODS AND COMMODITIES SALES TO THOSE ITEMS THAT ARE CUSTOMARILY OFFERED FOR SALE BY THE PRINCIPAL USE OCCUPYING THE PROPERTY, REQUIRING THAT SUCH SALES BE ASSOCIATED WITH THE BUSINESS OCCUPYING THE PROPERTY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on June 5, 2012, and two public hearings before the City Commission of the City of Palatka on July 12, 2012, and August 16, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. Zoning Code Section 94 shall be amended as follows.

Sec. 94-200. - Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities other than farmers markets.

(a) & (b): no changes

(c) Procedures for review and approval. The planning board may approve a conditional use for the sale of certain goods and commodities which are strictly of a temporary nature, other than for farmers markets, in commercial zoning districts where sales of specific goods and commodities are included as permitted or accessory uses, provided the following conditions and requirements are met:

- (1) Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned C-3, such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.
- (2) No more than one conditional use per location shall be issued in any given six-month period for seasonal and temporary-type sales, and no more than one conditional use per location

- shall be issued in any given 90-day period of time for promotional sales.
- (3) Application for a conditional use under the provisions herein shall be reviewed by the planning board to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.
 - (4) The vendor, merchant, or applicant shall be required to remit to the city, following approval of the conditional use by the planning board, a business regulatory fee, which shall be in addition to any occupational license previously applied for or issued by the city, or as required by the city for vendors or merchants operating within the city. The business regulatory fee shall be subject to the following:
 - a. The business regulatory fee shall be based on the real value of goods and commodities offered or displayed for sale, and shall be equal to one-half of one percent of the total real and just value of all goods and commodities offered or displayed, but in no instance shall the business regulatory fee exceed \$1,500.00 for any single sale.
 - b. Proof of real and just value shall be required to be provided to the city at the time of fee payment. Such proof shall be in the form of an invoice, bill of lading, or other reasonable verification of the actual value of goods and commodities offered for sale.
 - c. Non-profit and not-for-profit designated charitable or philanthropic organizations, possessing the appropriate Internal Revenue Service designations for corporations exempt from taxes, shall be exempt from the payment of the business regulatory fee, provided that each organization operating as a temporary vendor or merchant provide verification of the designation to the city. Such verification shall be provided prior to initiating the use.
 - (5) All applicable licenses, fees, and permits, including, but not limited to, special use, tent, and sign permits, shall be required as provided for within this Code. No provision within this section shall render any other section, article, or chapter of this Code as invalid.
 - (6) Sales of items at outdoor promotional sales and temporary goods or commodities sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise. Financial institutions may host outdoor

promotional sales of vehicles.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 16th day of August, 2012.

CITY OF PALATKA

BY: 
Its **MAYOR**

ATTEST:


City Clerk