

D R A F T

5/15/07

Ordinance No. _____
0-07-18

An ordinance of the City of Gainesville, Florida, amending Sections 2-377, 2-379, 2-621, 6-176, 6-182, 6-193, 10-38, 10-40, 14.5-67, 14.5-96, 14.5-121, 16-98, 19-2, 19-3, 19-19, 19-54, 21-58, 21-60, 22-17, 23-57, 23-97, 25-41, 25-42, 25-43, 25-44, 25-45, 25-46, 25-47, 25-48, 25-49, 25-50, 25-50.1, 25-51, 26-116, 28-1, 28-2, 28-4, 28-5, 28-14, 30-336, 30-346, 30-357, relating to the Occupational License Tax; by replacing the term “Occupational License Tax Act” with the term “Local Business Tax Act (LBTA)””; by changing the term “Occupational License” to “Business Tax Receipt” and defining the term “Receipt” as it relates to Business Taxes; amending Appendix A Schedule of Fees Rates and Charges; correcting scrivener’s errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on January 1, 2007 the Local Business Tax Act (LBTA) became effective and replaced the Local Occupational License Tax Act; and

WHEREAS, the only change to the Local Occupational Tax Act was to replace the term “occupational license” with “business tax receipt”; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

D R A F T

5/15/07

1 **Section 1.** Sections 2-377, 2-379 and 2-621, of Article V, Division 8 entitled “Code
2 Enforcement Board”, Code of Ordinances of the City of Gainesville, are hereby amended to read
3 as follows:

4 **Sec. 2-377. Applicability; jurisdiction.**

5 (a) The Gainesville Code Enforcement Board shall have jurisdiction to hear and decide
6 cases in which violations are alleged of any provisions of the following provisions of this Code
7 of Ordinances as they may exist or may hereafter be amended by ordinance:

- 8 (1) Chapter 6, Article II, "Building Code";
- 9 (2) Chapter 6, Article III, "Electrical Code";
- 10 (3) Chapter 6, Article IV, "Plumbing Code";
- 11 (4) Chapter 6, Article V, "Gas Code";
- 12 (5) Chapter 6, Article VI, "Mechanical Code";
- 13 (6) Chapter 6, Article VII, "Swimming Pools";
- 14 (7) Chapter 6, Article IX, "Downtown Minimum Property Standards";
- 15 (8) Chapter 10, "Fire Prevention and Protection";
- 16 (9) Chapter 13, "Housing and Commercial Building Codes";
- 17 (10) Chapter 16, Article II, "Dangerous Building and Hazardous Land Code";
- 18 (11) Chapter 16, Article III, "Perilous Land Code";
- 19 (12) Chapter 16, Article IV, "Mosquito Breeding Grounds";
- 20 (13) Chapter 23, "Streets, Sidewalks and Other Public Places";
- 21 (14) Chapter 25, Article III, “Business Occupational License Tax”;

D R A F T

5/15/07

1 (15) Chapter 26, Article III, Division 5, "Abandoned, Wrecked, Nonoperating
2 Vehicles";

3 (16) Chapter 27, Article III, "Solid Waste Disposal";

4 (17) Chapter 27, Article IV, Sections 27-180 through 27-182.2, "Sewerage";

5 (18) Chapter 30, "Land Development Code";

6 (19) Chapter 14.5, Article II, "Merchandising of Tobacco Products".

7 (b) Any alleged violation of the aforesaid provisions may also be enforced in any court
8 of competent jurisdiction.

9 **Sec. 2-379. Composition.**

10 (a) The board shall be composed of seven members and shall be appointed by the
11 commission. The commission may appoint up to two alternate members for each board member
12 to serve on the board in the absence of board members. The membership of each enforcement
13 board shall, whenever possible, include:

14 (1) An architect;

15 (2) A business person;

16 (3) An engineer;

17 (4) A general contractor;

18 (5) A realtor;

19 (6) A subcontractor.

D R A F T

5/15/07

1 (b) Qualifications. Each member appointed to the board shall possess, in addition to
2 experience or interest in the fields of zoning and building control, the following minimum
3 qualifications at time of appointment:

4 (1) Any architect and any engineer so appointed shall be registered under the laws of the
5 state regulating the practice of architecture and engineering, respectively, or shall possess similar
6 qualifications under the laws of other states or shall have actual experience deemed by the
7 commission to be equivalent to such registration.

8 (2) Any general contractor or subcontractor so appointed shall possess a valid certificate
9 of competency and business tax receipt ~~occupational license~~, recognized and accepted under the
10 laws of the state and the ordinances of the city regulating the business of contracting or
11 subcontracting and where required, state registration as a contractor or subcontractor, or shall
12 possess similar qualifications under the laws of other states, or shall have actual experience
13 deemed by the commission to be equivalent to such certification.

14 (3) Any realtor shall be licensed under the laws of the state which license a real estate
15 broker as either a broker or a salesperson or shall possess similar qualifications under the laws of
16 other states or shall have actual experience deemed by the commission to be equivalent to the
17 licensing, and shall hold a current and valid business tax receipt ~~occupational license~~ issued by
18 the city.

19 (4) Any businessperson shall be actively engaged in any lawful business within the city,
20 and shall hold a current and valid business tax receipt ~~occupational license~~ issued by the city, or

D R A F T

5/15/07

1 shall be an officer or employee of a business entity holding a current and valid business tax
2 receipt ~~occupational license~~ issued by the city.

3 (5) Each member of the board shall be a resident of the city.

4 (6) No person shall be eligible for appointment to the board should the person have
5 pending, either before the board or in any county, circuit or appellate court of the state, a case
6 concerning cited or proven violation of any of the codes or ordinances enumerated in section 2-
7 377. The members shall serve in accordance with ordinances of the city and may be suspended
8 and removed for cause as provided in such ordinances for removal of members of boards.

9 (c) All appointments after the initial appointments shall be made by the commission for
10 a term of three years.

11 (d) Appointments to fill any vacancy to the board shall be for the remainder of the
12 unexpired term of office.

13 (e) If any member fails to attend two of three successive meetings without cause and
14 without prior approval of the chair, the board shall declare the member's office vacant, and the
15 local governing body shall promptly fill such vacancy. Any member, who becomes a candidate
16 for public elective office or becomes an employee of the city, shall automatically forfeit his/her
17 membership. Should a member of the board be adjudicated guilty of a violation of any of the
18 codes or ordinances enumerated in Division 6, Civil Citations or Division 8, Code Enforcement
19 Board, the matter shall be placed on the next agenda of the city commission for a determination
20 as to whether the member should be allowed to continue, be temporarily suspended, or be
21 removed from the board. In making this determination, the city commission shall consider,

D R A F T

5/15/07

1 among other things, the nature of the code or ordinance cited, the severity and extent of the cited
2 violation and the past history of the member concerning previous violations of the subject codes
3 or ordinances.

4 **Sec. 2-621. Definition.**

5 "Local business" means the vendor has a valid business tax receipt ~~occupational license~~,
6 issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do
7 business in said locality that authorizes the business to provide the goods, services, or
8 construction to be purchased, and a physical business address located within the limits of said
9 locality, in an area zoned for the conduct of such business, from which the vendor operates or
10 performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be
11 used for the purpose of establishing said physical address. In order to be eligible for local
12 preference, the vendor must provide a copy of the business tax receipt ~~occupational license~~.

13 **Section 2.** Sections 6-176, 6-182, and 6-193, of Article VII, Division 1, entitled
14 "Generally", Code of Ordinances of the City of Gainesville, are hereby amended to read as
15 follows:

16 **Sec. 6-176. Definitions.**

17 Generally, terms in this article have their ordinary, accepted meanings in the construction
18 industry. The following specific definitions apply:

19 Apprentice or helper means a person employed in a trade or craft specified in section 6-
20 185 for the purpose of learning that trade or craft through practical experience under the
21 direction and supervision of certified master or journeyman craftsmen.

D R A F T

5/15/07

1 Contractor means a person who engages in business, under express or implied contract,
2 in the performance of those construction trades specifically included in section 6-185, or who
3 undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid
4 to, or does himself/herself, or by or through others, engage in the business of doing such a
5 construction trade. Neither a person who only furnishes material, supplies or equipment without
6 consuming them in the performance of the work of a contractor, nor a person who engages in the
7 activities herein regulated as an employee with wages as his/her sole compensation, is a
8 contractor.

9 Contractor certificate means a certificate of competency issued by the city prior to
10 August 1, 1995, which certifies that its holder has met this article's requirements to engage in
11 business as a contractor in the category indicated on the certificate. A contractor certificate is not
12 ~~an business tax receipt occupational license.~~

13 Craftsman certificate means a certificate of competency issued by the city which certifies
14 that its holder has met this article's requirements and is competent to perform the trade or craft
15 indicated on the certificate. A craftsman certificate does not qualify the holder to engage in
16 business as a contractor.

17 Journeyman craftsman means a person who has been examined by the city and found to
18 have the required skill, knowledge and experience to do the work in the performance of a
19 particular trade or craft and holds a current valid journeyman craftsman certificate issued by the
20 city.

D R A F T

5/15/07

1 Master craftsman means a person who has been examined by the city and found to have
2 the required skill, knowledge and experience to plan, layout, supervise and do the work of a
3 particular trade or craft and who holds a current valid master craftsman certificate issued by the
4 city.

5 Qualifying agent means a person who holds a current master craftsman certificate issued
6 by the city and who is employed and designated by a contractor, in writing, to serve as qualifying
7 agent, and who has agreed, in writing, to serve as qualifying agent for that contractor and no
8 other.

9 Trade and craft mean occupations in the construction field which require skill,
10 knowledge, manual ability and experience to perform, and include only those specific
11 occupations provided in section 6-185.

12 **Sec. 6-182. Qualifications for obtaining permits.**

13 Except as otherwise provided by law, application for a permit to perform work within the
14 scope of this article will be accepted only from a contractor holding a current contractor
15 certificate and business tax receipt ~~occupational licenses~~ required by law and ordinance, against
16 whom no revocation or suspension of any of the required certificates or licenses is pending. An
17 application for a permit shall be signed by the qualifying agent of the contractor where required.

18 **Sec. 6-193. Certificates nontransferable; renewal.**

19 (a) Contractor certificates and craftsman certificates are nontransferable and expire on
20 the last day of September of either even or odd numbered years depending on last name, as set

D R A F T

5/15/07

1 out in Appendix A. The building official shall renew certificates upon request and payment of
2 the applicable renewal fee in accordance with the schedule set out in Appendix A.

3 (b) The payment of a certificate renewal fee is required in addition to and is wholly
4 unrelated to any business tax receipt ~~occupational license~~ fee required by another ordinance of
5 the city.

6 **Section 3.** Section 10-38 and 10-40, of Article IV, entitled “False Alarms”, Code of
7 Ordinances of the City of Gainesville, are hereby amended to read as follows:

8 **Sec. 10-38. Fire alarm monitoring companies.**

9 (a) All fire alarm monitoring companies shall register annually with the fire alarm
10 administrator. Each fire alarm monitoring company shall pay a fee in accordance with the fee
11 schedule established at Appendix A unless it is regulated by the department of business and
12 professional regulation and has paid an local business ~~occupational license~~ tax for the current
13 year to the county or municipality in the state where its permanent business location or branch
14 office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a
15 fee, if applicable, shall result in a fine levied in accordance with the fee schedule established at
16 Appendix A.

17 (b) The fire alarm monitoring company shall provide the following information:

18 (1) Name, street address and telephone number of the fire alarm monitoring company;

19 (2) The names, street addresses and telephone numbers of all fire alarm operators

20 contracted with within the territorial jurisdiction of this article;

D R A F T

5/15/07

1 (3) The procedure used to verify the legitimacy of a fire alarm prior to notification to the
2 fire department;

3 (4) The name, street address and telephone number of the qualifying agent.

4 (c) Upon registration, the fire alarm monitoring company shall be provided with a
5 telephone number for use when reporting a fire alarm.

6 (d) Fire alarm monitoring companies shall maintain records relating to fire alarm
7 notification for a period of at least two years, and shall provide such records to the fire alarm
8 administrator upon request.

9 (e) Fire alarm monitoring companies shall monitor in accordance with the Florida Fire
10 Prevention Code.

11 (f) Failure to comply with subsection (a), (b), (d) or (e) of this section shall result in a
12 fine being levied in accordance with the schedule established at Appendix A.

13 **Sec. 10-40. Fire alarm system contractors.**

14 (a) All fire alarm system contractors shall register annually with the fire alarm
15 administrator. Each fire alarm system contractor shall pay a fee in accordance with the fee
16 schedule established at Appendix A unless it is regulated by the department of business and
17 professional regulation and has paid an local business ~~occupational license~~ tax for the current
18 year to the county or municipality in the state where it's permanent business location or branch
19 office is maintained. Each registration shall be valid for 12 months. Failure to register, or pay a
20 fee if applicable, shall result in a fine levied in accordance with the fee schedule established at
21 Appendix A.

D R A F T

5/15/07

1 (b) No person shall install, maintain, repair, alter, service or monitor fire alarm systems
2 for compensation without being a fire alarm system contractor, or a fine shall be levied as
3 established at Appendix A.

4 (c) All fire alarm system contractors shall furnish each of its agents with identification
5 cards in accordance with F.S. § 489, or a fine shall be levied for each violation in accordance
6 with the fee schedule established at Appendix A.

7 (d) Fire alarm system contractors shall install systems or equipment and use methods of
8 installation that meet or exceed minimum Underwriters Laboratories or National Fire Protection
9 Association 72 requirements for the appropriate installation and use control panels tested for
10 conformance to the Security Industry Association's Control Panel Standard, or a fine shall be
11 levied for each violation, in accordance with the fee schedule established at Appendix A.

12 (e) Fire alarm system contractors shall not activate or service an alarm system unless it
13 is permitted, or a fine shall be levied in accordance with the fee schedule established at Appendix
14 A.

15 (f) Fire alarm contractors shall not cause a false alarm during the servicing, repairing,
16 testing or inspection of an alarm system. The fire alarm operator shall not be charged with such
17 false alarms.

18 (g) Fire alarm contractors shall provide all fire alarm operators with an alarm permit
19 application, whenever installing, maintaining, repairing, altering or servicing a fire alarm system,
20 unless the fire alarm contractor reasonably believes that the fire alarm operator already holds a
21 valid permit.

D R A F T

5/15/07

1 **Section 4.** Sections 14.5-67, of Article IV, Division 2, entitled “Licensing Provisions”
2 and 14.5-96, of Division 5 entitled “Escort License Provisions” and 14.5-121 of Article VI,
3 Division 1, entitled “Cable Television”, Code of Ordinances of the City of Gainesville, are
4 hereby amended to read as follows:

5 **Sec. 14.5-67. Annual license fee.**

6 (a) Levy. There is hereby levied for an adult performance establishment license and for
7 an escort service license the annual license fee as provided in Appendix A.

8 (b) Fees regulatory. The annual license fees collected pursuant to this article are
9 declared to be regulatory fees which are collected for the purpose of examination and inspection
10 of adult performance establishments and escort services under this article and the administration
11 thereof. These regulatory fees are in addition to and not in lieu of the business occupational
12 ~~license~~ taxes imposed by other ordinances.

13 **Sec. 14.5-96. Annual license fee.**

14 (a) Levy. As provided in Appendix A.

15 (b) Fees regulatory. The annual license fee is declared to be a regulatory fee collected
16 for the purpose of administration of this division. The fee is in addition to and not in lieu of the
17 business occupational ~~license~~ tax imposed by other ordinances.

18 **Sec. 14.5-121. Definitions.**

19 For the purpose of this article the following terms, phrases, words and their derivations
20 shall have the meanings given herein. When not inconsistent with the context, words used in the
21 present tense include the future; words in the plural number include the singular number. The

D R A F T

5/15/07

1 word "shall" is mandatory and "may" is permissive. Words not defined shall be given their
2 common and ordinary meaning.

3 Access channels means channels set aside for non-commercial access programming as
4 authorized by federal law, with specific programming uses and purposes as determined by the
5 city commission consistent with federal law.

6 Affiliate, when used in relation to any person, means another person who owns or
7 controls, is owned or controlled by, or is under common ownership or control with, such person.

8 Applicable law means all federal, state, and local laws, statutes, ordinances, rules and
9 regulations, now in force or hereafter enacted, and all amendments thereto applicable to
10 operation of a cable system or to any activities of a Grantee permitted by this article or by a
11 franchise.

12 Basic service tier means all signals of domestic television broadcast stations provided to
13 any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local
14 service area of such station, regardless of how such signal is ultimately received by the cable
15 system), any public, educational and governmental programming required by the franchise to be
16 carried on the basic tier, and any additional video programming signals or service added to the
17 basic tier by the cable operator.

18 Cable act means the Cable Communications Policy Act of 1984, the Cable Television
19 Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, as
20 they may be amended, succeeded, supplemented or augmented by subsequent laws.

D R A F T

5/15/07

1 Cable communications system, also referred to as "cable television system" or "cable
2 system" or "system," means a facility, consisting of a set of closed transmission paths and
3 associated signal generation, reception and control equipment that is designed to provide cable
4 service, which includes video programming and which is provided to multiple subscribers within
5 a community; but such term does not include:

6 (1) A facility that serves only to retransmit the television signals of one or more
7 television broadcast stations;

8 (2) A facility that serves subscribers without using any public right of way;

9 (3) A facility of a common carrier which is subject, in whole or in part, to the provision
10 of Title II of the Cable Act, except that such facility shall be considered a cable system to the
11 extent such facility is used in the transmission of video programming directly to subscribers; or

12 (4) Any facilities of any electric utility used solely for operating its electric utility
13 systems.

14 Cable service means the one-way transmission to subscribers of video programming, or
15 other programming service, and the subscriber interaction, if any, required for the selection or
16 use of such video programming or other programming service, or as otherwise provided by
17 applicable law.

18 Capacity means the capability of the cable communications system to carry signals. At
19 the time of the effective date of this article, capacity may be described in terms of portions of the
20 total radio frequency bandwidth by specifying a number of MHz, but this is subject to changes in
21 technology.

D R A F T

5/15/07

1 Channel means a portion of the electromagnetic frequency spectrum which is used in a
2 cable system and which is capable of delivering a television channel (as television channel is
3 defined by applicable law).

4 City means the City of Gainesville, Florida.

5 Commercial subscriber means a subscriber who receives a service in a place of business.

6 Commission means the city commission of the City of Gainesville.

7 Complaint shall mean any written communication by any person or any oral
8 communication by a subscriber or potential subscriber reduced to writing, including a computer
9 form, expressing dissatisfaction with any non-programming aspect of Grantee's business or
10 operation of the cable communications system.

11 Days means calendar days unless otherwise specified.

12 Drop means a connection from feeder cable to a demarcation point, as specified from
13 time to time by the FCC, outside a subscriber's or potential subscriber's residence, dwelling unit,
14 commercial establishment or other service location. A standard drop shall be a drop whose
15 length is not more than 150 feet.

16 Dwelling unit means any building or portion thereof that is lawfully occupied for
17 residential purposes. Each apartment or dwelling unit within a multiple dwelling unit shall be
18 counted as one residential subscriber for purposes related to this Ordinance and any franchise
19 agreement unless otherwise provided.

20 Easement dedicated for compatible use means an easement open for the use of a cable
21 operator pursuant to F.S., ch. 177.

D R A F T

5/15/07

1 External costs shall have the same meaning as found in federal rules and regulations.

2 Fair market value means the price that a willing buyer would pay to a willing seller for a
3 going concern based on the system valuation prevailing in the industry at the time.

4 FCC means the Federal Communications Commission, any of its agencies or bureaus,
5 and any legally appointed or elected successor.

6 Fiber means a transmission medium of optical fiber cable capable of carrying cable
7 services by means of light wave impulses, or any similar successor technology.

8 Fiber node means the local transition point between the fiber distribution portion and the
9 coaxial distribution portion of the cable television system.

10 Franchise means an initial authorization, or renewal thereof (including a renewal of an
11 authorization which has been granted subject to Section 626 of the Cable Act), issued by the
12 City, which authorizes the construction, operation or maintenance of a cable system along the
13 public rights-of-way within all or a specified area of the City. Any such authorization, in
14 whatever form granted, shall not mean or include any business tax receipt ~~license~~ or permit
15 required for the privilege of transacting and carrying on a business within the City as required by
16 applicable law.

17 Franchise agreement means the contract voluntarily entered into by the city and a grantee
18 embodying a franchise awarded in accordance with this article, containing the specific terms and
19 conditions under which the franchise shall be exercised. Any franchise granted pursuant to this
20 article grants the nonexclusive rights to construct, operate and maintain a cable communications
21 system along the public rights-of-way within specified areas of the city.

D R A F T

5/15/07

1 Franchise area means the area in which a Grantee is permitted to operate a cable
2 communications system.

3 Grantee means any person on which a franchise is conferred and shall include the lawful
4 successor, transferee or assignee of such person.

5 Gross revenues means all revenue received by the grantee or its agents for delivery of
6 cable service or from the operation of its cable system within the incorporated areas of the city,
7 with no deductions except for bad debts written off or other restriction of state or federal laws,
8 rules and regulations.

9 Headend means that part of a cable system used for the reception and dissemination of
10 signals on the cable television system.

11 Installation means the connection of the system from feeder cable or other facilities to
12 the subscribers' point of entry as designated from time to time by the FCC.

13 Interconnect or interconnection means the physical linking of the grantee's cable
14 television system with any other designated cable system or other separate communications
15 network so that cable services, as specified in the franchise agreement, of technically adequate
16 quality may be sent to and received from such other systems.

17 Line extensions means the activation of the cable system to areas of the city not served
18 by cable system.

19 Multiple dwelling unit or MDU means condominiums, apartments, and other multiple-
20 resident buildings having more than four dwelling units.

D R A F T

5/15/07

1 Non-commercial means use of the cable system by any tax-exempt organization or by
2 any other user for a purpose that is not intended to generate income for the user or any other
3 person and is not otherwise related to a profit-making activity.

4 Normal business hours means those hours during which most similar businesses in the
5 community are open to serve customers. In all cases, "normal business hours" must include some
6 evening hours at least one night per week or some weekend hours.

7 Normal operating conditions means those service conditions that are within the control
8 of grantee. Those conditions that are not within the control of grantee include but are not limited
9 to natural disasters, substantial regulatory changes, civil disturbances, power outages, telephone
10 network outages, and severe or unusual weather conditions. Those conditions which are within
11 the control of grantee include but are not limited to special promotions, pay-per-view events, rate
12 increases, regular, peak or seasonal demand periods, changes in the billing cycle, changes in
13 channel lineups that are within grantee's control, and repairs, rebuilds, maintenance or upgrade of
14 the cable system.

15 Open video system or OVS means any channel or a facility consisting of a set of
16 transmission paths and associated signal generation, reception, and control equipment that is
17 designed to provide cable television service, which includes video programming, to multiple
18 subscribers within a community, and which the Federal Communications Commission or its
19 successor has certified as compliant with 47 C.F.R. Part 76, as amended from time to time.

D R A F T

5/15/07

1 Overbuild means a cable system or portion thereof constructed to serve subscribers in an
2 area served by an existing cable system, including those parts of an existing system that will be
3 constructed and activated within six months pursuant to plans filed with the city.

4 Parent corporation means a corporation, other person, or other legal entity with greater
5 than 50% ownership of the Grantee or having control, in whatever manner exercised or if
6 voluntarily not exercised, over the grantee.

7 Person means an individual, partnership, association, joint venture, organization,
8 corporation, limited liability company or other entity, or any lawful successor or transferee of
9 said individual, partnership, association, organization, corporation, limited liability company or
10 other entity.

11 Public property shall mean any real property owned by the city other than the public
12 rights-of-way.

13 Public rights-of-way means any land owned or controlled by the city that is dedicated,
14 deeded, used, or to be used for a public street, highway or road.

15 Reasonable notice means written notice addressed to the grantee or the city at that party's
16 respective principal office within the city, as set forth in a franchise, or such other office as the
17 grantee or the city has designated as the address to which notice shall be transmitted to the
18 respective party sent by certified mail and postmarked not less than 14 days prior to that day in
19 which the party giving such notice shall commence any action which requires the giving of
20 notice. In computing said 14 days, holidays recognized by the city shall be excluded.

D R A F T

5/15/07

1 Rebuild means the replacement of a cable system's active electronic and passive devices
2 and replacing more than 50 percent of the coaxial cable or fiber optic plant with new plant over a
3 period of two years or less.

4 Resident means any person residing in the City except as otherwise defined by
5 applicable law.

6 Residential subscriber means a subscriber who receives a service in an individual
7 dwelling unit or a multiple dwelling unit of four or fewer units and the subscriber's use is for
8 non-commercial purposes.

9 Sale includes any sale, exchange or barter transaction.

10 School means any public K-12 school, excluding charter, non-public and "home"
11 schools.

12 Service call means the visit of a cable television representative to a service address.

13 Service interruption or Outage means the loss of picture or sound on one or more cable
14 channels.

15 Simplified tax law means the Communications Services Tax Simplification Law,
16 Chapter 202 of the Florida Statutes, as amended.

17 State means the State of Florida.

18 Subscriber means any person, firm, corporation or other entity who or which legally
19 subscribes to a cable service provided by a Grantee.

20 Transfer means any disposal by the grantee or any owner(s) thereof, directly or
21 indirectly, by gift, assignment, voluntary sale, merger, consolidation or otherwise, of five percent

D R A F T

5/15/07

1 or more at one time of the ownership or controlling interest in a system, grantee or franchise, or
2 20 percent cumulatively over the term of a franchise of such interests to a person or group of
3 persons.

4 Upgrade means improving the cable system, through the exchange of electronic and
5 passive devices, while utilizing a significant portion of the existing coaxial cable or fiber optic
6 plant.

7 User means a person utilizing channel or equipment and facilities for the purpose of
8 producing or transmitting programming, as contrasted with receipt thereof in a subscriber
9 capacity.

10 **Section 5.** Section 16-98, of Article V, entitled “Public Nuisance Abatement”, Code of
11 Ordinances of the City of Gainesville, is hereby amended to read as follows:

12 **Sec. 16-98. Orders.**

13 (a) At the conclusion of the hearing and after considering all evidence presented at such
14 hearing, the board is authorized to issue findings of fact based upon the evidence presented and
15 made part of the record that a public nuisance does not exist or that an unlawful public nuisance
16 does exist.

17 (b) Upon finding that an unlawful public nuisance does exist the board shall enter an
18 order requiring the owner of such place or premises to adopt such procedure as may be
19 appropriate under the circumstances to abate any such nuisance or it may enter an order
20 immediately prohibiting:

21 (1) The maintaining of the nuisance;

D R A F T

5/15/07

1 (2) The operating or maintaining of the place or premises, including the closure of the
2 place or premises, or any part thereof; or

3 (3) The conduct, operation, or maintenance of any business or activity which is
4 conducive to the maintenance of such nuisance. Any city business ~~occupational license~~ tax
5 receipt certificate issued or renewed pursuant to the provisions of Chapter 25 of this Code shall
6 not operate as authority to conduct business during any period in which the conduct of any
7 business or business activity is prohibited.

8 (4) The board may order any combination of subsections (b)(1), (2) or (3), but shall
9 endeavor to use the least restrictive method believed necessary to abate the nuisance.

10 (c) An order entered pursuant to section 16-98 shall expire after one year or at such
11 earlier time as stated in the order. The board may retain jurisdiction to modify the orders prior to
12 the expiration of the orders, where just cause is found to exist.

13 (d) Before the board can order the closure of a place or premises or any part thereof, the
14 board must make a factual finding that:

15 (1) The respondent did not abate the nuisance after being ordered by the nuisance
16 abatement board to do so;

17 (2) The respondent did not substantially comply with an appropriate order issued by the
18 nuisance abatement board;

19 (3) The respondent continued to maintain an ongoing nuisance; or

20 (4) Closure is the only effective option in eradicating the nuisance. Such finding is to be
21 supported by a written order setting forth the factual bases for this determination.

D R A F T

5/15/07

1 (e) A nuisance shall be deemed to be or have been abated when the board finds by a
2 preponderance of the evidence that the causes of the nuisance have been eliminated or
3 suppressed to such a degree that an additional predicate violation as set forth in section 16-94 is
4 not likely to reoccur.

5 **Section 6.** Sections 19-2 and 19-3, of Article I, entitled “In General” and Section 19-19,
6 of Article II, Division 1, entitled “Occupational license requirement” and Section 19-54, of
7 Article III, Division 1, entitled “Restrictions and requirements”, Code of Ordinances of the City
8 of Gainesville, are hereby amended to read as follows:

9 **Chapter 19 PEDDLERS, SOLICITORS AND CANVASSERS***

10 **Sec. 19-2. Downtown Plaza.**

11 (a) Applicable area. The designated area for the purposes of this section is described as
12 follows:

- 13 (1) Bounded on the north by East University Avenue;
- 14 (2) Bounded on the east by the Judicial Building;
- 15 (3) Bounded on the south by Southeast First Avenue; and
- 16 (4) Bounded on the west by the Alachua County administration building.

17 (b) Conditions for sales. Vendors, peddlers, exhibitors of jewelry, pottery, mirrors,
18 beads, trinkets, baskets, articles of clothing such as T-shirts, sweatshirts, caps and visors, arts and
19 crafts, paintings, drawings, sculptures, photographs, artwork or the like shall be permitted within
20 the area specified in this section generally referred to as the Downtown Plaza under the
21 conditions stated in this section:

D R A F T

5/15/07

1 (1) Persons indicated in this section must obtain and have displayed an business tax
2 receipt ~~occupational license~~ issued by the city.

3 (2) Space used by persons indicated in this section shall not exceed fifty (50) square feet
4 in area.

5 (3) No permanent display stand shall be permitted and display stands shall be erected
6 and dismantled at the beginning and end of each day of operation.

7 (4) When a location has been selected on the Downtown Plaza by a person indicated in
8 this section, the person shall remain in that same location during the remainder of that day.
9 Locations selected shall meet the spacing requirements of section 23-41 of this Code of
10 Ordinances.

11 (5) Sales of food and beverages shall be subject to compliance with all applicable city,
12 county and state requirements.

13 (6) Sales of any type shall not be conducted during times when other events are
14 scheduled for the Downtown Plaza without permission of the city manager.

15 **Sec. 19-3. Annual Artwalk.**

16 (a) Applicable area. The Annual Artwalk event is recognized as an annual two-day
17 event which will be sponsored by a locally recognized organization and which is permitted to
18 operate within the boundaries of the following described area:

19 Beginning at the intersection of N.E. 6th Avenue and N.E. 1st Street proceed south on
20 N.E. 1st Street to N.E. 2nd Avenue, thence east on N.E. 2nd Avenue to N.E. Boulevard, thence
21 south along the Boulevard and Sweetwater Branch to S.E. 4th Place, thence west on S.E. 4th

D R A F T

5/15/07

1 Place to S.E. 2nd Street, thence south on S.E. 2nd Street to S.E. 5th Avenue, thence west on S.E.
2 5th Avenue to South Main Street, thence north on South Main Street to S.W. 4th Avenue, thence
3 west on S.W. 4th Avenue to S.W. 5th Street, thence north on S.W. 5th Street to S.W. 2nd
4 Avenue, thence west on S.W. 2nd Avenue to S.W. 5th Terrace, thence north on S.W. 5th Terrace
5 to West University Avenue, thence west on West University Avenue to N.W. 6th Street, thence
6 north on N.W. 6th Street to N.W. 2nd Avenue, thence east on N.W. 2nd Avenue to N.W. 3rd
7 Street, thence north on N.W. 3rd Street to N.W. 3rd Avenue, thence east on N.W. 3rd Avenue to
8 N.W. 2nd Street, thence north on N.W. 2nd Street to N.W. 6th Avenue, thence east on N.W. and
9 N.E. 6th Avenue to the point of beginning.

10 Except for the following parcels:

11 (1) Lot No. 9 and the west 170 feet of Lot No. 4 Brush Addition, DB O-218, Replat of
12 Block 28, PB A-71, Public Records of Alachua County, Florida, also known as tax parcel Nos.
13 14536 and 14544 and the south 104 feet of 14537.

14 (2) Commence 138 feet east and 43 feet south of the N.W. corner of the S.E. quarter of
15 Sec. 5, T10S, R20E, for the point of beginning and run south along the East line of S.W. 5th
16 Terrace 581 feet more or less to its intersection with the North line of S.W. 2nd Avenue, thence
17 run east along the North line of S.W. 2nd Avenue, 160.95 feet, thence run north 285.5 feet,
18 thence run west 25.9 feet, thence run north 296 feet more or less to the South line of West
19 University Avenue, thence run west 118.9 feet along the South line to the point of beginning.
20 Lying and being in the N.W. quarter of the S.E. quarter of Sec. 5, T10S, R20E, Alachua County,
21 Florida, also known as tax parcel Nos. 12939, 12940, 12942 and 12942-1.

D R A F T

5/15/07

1 (3) Lots 5 and 8, Block 2 (or 560/366); Lots 1 and 4, Block 2 less right-of-way; Lot 5
2 and South one-half (S 1/2) of Lot 6, Block 1, all in the Parrish and Parrish Addition to
3 Gainesville, PB A-107, as recorded in the Public Records of Alachua County, Florida. Lying and
4 being in the S.W. quarter of Sec. 4, T10S, R20E, Alachua County, Florida.

5 (b) Exemption from permit and business tax receipt ~~occupational license~~ requirements.
6 Vendors, peddlers and exhibitors who participate in the Annual Artwalk event are exempt from
7 the permit and business tax receipt ~~occupational license~~ requirements provided in articles I, II
8 and III of this chapter and article III of chapter 25 during the two-day event.

9 (c) Sales of food and beverages. Sale of food and beverages shall comply with all
10 applicable city, county and state laws and regulations, except as expressly exempted in
11 subsection (b) above.

12 **Sec. 19-19. Business tax receipt ~~Occupational license~~ requirement.**

13 Peddlers must meet the business tax receipt ~~occupational license~~ requirements provided
14 in article III of chapter 25.

15 **Sec. 19-54. Restrictions and requirements.**

16 (a) When engaged in soliciting, solicitors are required to identify themselves, and state
17 whom they represent.

18 (b) Solicitors will terminate their activities in residential areas by 7:00 p.m. each day
19 and will not resume their activities in residential areas before 9:00 a.m. the next day.

20 (c) Solicitors are prohibited from soliciting on residential premises in residential areas
21 where a notice stating "No Solicitors" or "No Solicitation" is posted in plain view.

D R A F T

5/15/07

1 (d) No more than two solicitors shall contact and solicit any one member of the public at
2 any one time.

3 (e) Solicitors will not persist in soliciting after the solicitation has been declined, and
4 they will immediately and peaceably depart from the premises when requested to do so by the
5 occupant.

6 (f) Solicitors shall not harass persons by demanding, threatening or intimidating
7 conduct.

8 (g) Solicitors may solicit donations or contributions for religious or charitable
9 paraphernalia from the general public to be used in the furtherance of their religion or charity
10 provided that if a minimum donation is required the person solicited must be so informed.

11 (h) This article allows nonprofit institutions such as religious organizations, scouting,
12 schools and fraternal societies to sell or transfer goods such as cookies, flowers, etc., or services
13 such as carwashes, carnivals, etc., which may include the use of a building and/or its premises
14 for such sales or delivery or services, but not a vacant parcel of land. Such fundraising activities
15 must be clearly incidental to the primary function of such institutions, and all proceeds must be
16 returned to the nonprofit organization. If any proceeds are shared by a non-tax exempt
17 organization, an business tax receipt ~~occupational license~~ may be required.

18 (i) Solicitors are prohibited from soliciting in such a manner as to knowingly obstruct,
19 impede or interfere with the free flow of pedestrian or vehicular traffic.

D R A F T

5/15/07

1 (j) No solicitor shall raise funds, or seek financial assistance of any kind or nature, on
2 any street or right-of-way within the city without satisfying the requirements of article V of this
3 chapter.

4 (k) For purposes of this section, right-of-way shall not include sidewalks, but shall
5 include bike lanes and medians.

6 **Section 7.** Sections 21-58 and 21-60, of Article IV, entitled “False Burglary and
7 Robbery Alarms”, Code of Ordinances of the City of Gainesville, are hereby amended to read as
8 follows:

9 **Sec. 21-58. Alarm monitoring companies.**

10 (a) All alarm monitoring companies shall register annually with the alarm administrator.
11 Each alarm monitoring company shall pay a fee in accordance with the fee schedule established
12 at Appendix A unless it is regulated by the department of business and professional regulation
13 and has paid an local business ~~occupational license~~ tax for the current year to the county or
14 municipality in the state where it's permanent business location or branch office is maintained.
15 Each registration shall be valid for 12 months. The alarm monitoring company shall provide the
16 following information:

- 17 (1) Name, street address and telephone number of the monitoring company;
- 18 (2) The names, street addresses, and telephone numbers of all alarm operators
19 contracted with within the territorial jurisdiction of this article;
- 20 (3) The procedure used to verify the legitimacy of an alarm prior to notification to the
21 city police department;

D R A F T

5/15/07

1 (4) The name, street address and telephone number of the qualifying agent.

2 (b) Upon registration, the alarm monitoring company shall be provided with a telephone
3 number for use when reporting an alarm.

4 (c) Alarm monitoring companies shall maintain records relating to alarm notification for
5 a period of at least one year, and shall provide such records to the alarm administrator upon
6 request or a fine, in accordance with the fee schedule established at Appendix A shall be levied.

7 **Sec. 21-60. Alarm system contractors.**

8 (a) All alarm system contractors shall register annually with the alarm administrator.
9 Each alarm system contractor shall pay a fee in accordance with the fee schedule established at
10 Appendix A unless it is regulated by the department of business and professional regulation and
11 has paid an local business ~~occupational license~~ tax for the current year to the county or
12 municipality in the state where it's permanent business location or branch office is maintained. A
13 fine shall be levied in accordance with the fee schedule established at Appendix A for failure to
14 register. Each registration shall be valid for 12 months.

15 (b) No person shall install, maintain, repair, alter, service or monitor alarm systems for
16 compensation without being an alarm system contractor, or a fine shall be levied as established
17 in Appendix A.

18 (c) All alarm system contractors shall furnish each of its agents with identification cards
19 in accordance with F.S. § 489.518, or a fine shall be levied for each violation, in accordance with
20 the fee schedule established at Appendix A.

D R A F T

5/15/07

1 (d) Alarm system contractors shall not install systems or equipment or use methods of
2 installation that do not meet or exceed minimum Underwriters Laboratories or American
3 National Standards Institute requirements for the appropriate installation or that do not use
4 control panels tested for conformance to the Security Industry Association's Control Panel
5 Standard, or a fine shall be levied for each violation, in accordance with the fee schedule
6 established at Appendix A.

7 (e) Alarm system contractors shall not activate or service an alarm system unless it is
8 permitted, or a fine shall be levied, in accordance with the fee schedule established at Appendix
9 A.

10 (f) Alarm system contractors shall not cause a false alarm during the servicing,
11 repairing, testing or inspection of an alarm system, or a fine shall be levied in accordance with
12 the fee schedule established at Appendix A. The alarm operator shall not be charged for such
13 false alarms.

14 (g) Alarm system contractors shall provide all alarm operators with a blank alarm permit
15 application, whenever installing, maintaining, repairing, altering or servicing an alarm system,
16 unless the alarm system contractor reasonably believes that the system is permitted, or a fine
17 shall be levied in accordance with the fee schedule established at Appendix A.

18 **Section 8.** Section 22-17 of Article II, entitled "Secondhand Dealers", Code of
19 Ordinances of the City of Gainesville, is hereby amended to read as follows:

20 **Sec. 22-17. Requirements are in addition to other Code requirements.**

D R A F T

5/15/07

1 The requirements of this article are in addition to any other requirements of the
2 Gainesville Code of Ordinances, such as but not limited to zoning and business tax receipt
3 ~~occupational license~~ requirements.

4 **Section 9.** Sections 23-57 of Article IV, entitled “Construction of Sidewalks, Curbs and
5 Gutters”, and Section 23-97 of Article V, entitled “Construction and Removal of Driveways”,
6 Code of Ordinances of the City of Gainesville, are hereby amended to read as follows:

7 **Sec. 23-57. Bonding of contractors.**

8 Each contractor engaged in the laying of sidewalks, curb or gutter or valley gutter
9 provided for in this article, shall be required to enter into a bond payable to the city in the sum of
10 \$500.00 to be approved by the city manager and filed with him/her. The bond shall be furnished
11 by the contractor prior to obtaining his/her business tax receipt ~~occupational license~~ each year.
12 The conditions of the bond shall be that all sidewalks, curb and gutter or valley gutter,
13 constructed by the contractor upon any of the streets of the city shall comply with the
14 requirements of this article and conform to the lines and grades furnished by the city engineer
15 and that the contractor will, upon written notice from the city engineer remove and replace
16 within 30 days after the date of the notice, at the expense of the contractor, all sidewalks, curb
17 and gutter or valley gutter not constructed in accordance therewith or which for any reason is
18 found by the city engineer to be defective. The contractor will guarantee his/her work free from
19 defects for a period of one year after the completion thereof. The bond shall be for the benefit of
20 the city or any person employing the contractor in the construction of work provided for in this
21 article.

D R A F T

5/15/07

1 **Sec. 23-97. Work to be performed by bonded contractors; requirements of bond.**

2 All work of removing any curb and building of any driveway shall be done by a
3 contractor having in force a current contractor's bond in an amount equal to or greater than three
4 (3) times the estimated cost of the proposed work. This bond shall be for a period of three (3)
5 years and shall be renewed each year at the time the contractor obtains his/her business tax
6 receipt ~~occupational license~~.

7 **Section 10.** Sections 25-41 thru 25-51, of Article III, entitled "Occupational License
8 Tax", Code of Ordinances of the City of Gainesville, are hereby amended to read as follows:

9 **ARTICLE III. LOCAL BUSINESS ~~OCCUPATIONAL LICENSE TAX~~***

10 **Sec. 25-41. Levy.**

11 There is hereby levied a local business ~~an occupational license~~ tax in the amounts set out
12 in this article for the privilege of engaging in or managing any business, profession or occupation
13 within the city limits on the following:

14 (1) Any person who maintains a permanent business location or branch office within
15 the city for the privilege of engaging in or managing any business within its
16 jurisdiction; and

17 (2) Any person who maintains a permanent business location or branch office within
18 the city for the privilege of engaging in or managing any profession or occupation
19 within its jurisdiction; and

D R A F T

5/15/07

1 (3) Any person who does not qualify under the provisions of subsection (1) or (2)
2 above and who transacts any business or engages in any occupation or profession in
3 interstate commerce where such business ~~license~~ tax is not prohibited by Section 8
4 of Article 1 of the United States Constitution.

5 **Sec. 25-42. Business tax receipt ~~License~~--Required; issuance; penalty for violation.**

6 (a) No person shall engage in or manage any business, occupation or profession for
7 which there is a local business ~~an occupational license~~ tax receipt required by this article or any
8 other ordinance of the city, unless the person shall first procure a business tax receipt ~~license~~ to
9 conduct the same from the director of finance.

10 (b) All business tax receipts ~~licenses~~ shall be signed by the director of finance or
11 designee.

12 (c) Any person engaging in or managing any business, occupation or profession without
13 first obtaining a local business tax receipt ~~occupation license~~, if required hereunder, shall be
14 subject to a penalty of 25 percent of the tax ~~license~~ determined to be due, either within seven
15 days of written notification by the city or within 30 days of opening to the public, whichever
16 occurs first, in addition to any other penalty provided by law or ordinance.

17 (d) Any person who engages in any business, occupation, or profession who does not
18 pay the required local business ~~occupational~~ tax within 180 days after the initial notice of tax due
19 for either the initial local business tax receipt ~~occupational license~~ or any renewal thereof, and
20 who does not obtain the required local business tax receipt ~~occupational license~~ shall be required

D R A F T

5/15/07

1 to pay a penalty of \$250.00 per offense and may be subject to civil actions and penalties,
2 including court costs, reasonable attorneys' fees, plus any collection and administrative costs
3 authorized in accordance with F.S. Ch. 205.

4 (e) All applications and affidavits required by this article shall be retained and destroyed
5 pursuant to the guidelines of the state.

6 **Sec. 25-43. Same—A business tax receipt license for each location; change in location.**

7 A business tax receipt license shall only be valid for the location to which it is issued.
8 Additional locations require separate receipts licenses. When determining which apartment,
9 condominium, etc., rental units under common controlling ownership comprise a location for
10 assessing the business license tax on the rental of the units, the following factors shall be
11 considered: common management, common signage, common rental account, and site of the
12 units in a compact, contiguous neighborhood. A change in location will require reapplication and
13 payment of a transfer fee as provided by section 25-45.

14 **Sec. 25-44. Same--Application in writing; affidavit as to basis of business tax receipt license.**

15 No business tax receipt license shall be issued except upon written application of the
16 person applying for the same, and it shall be the duty of the director of finance, before issuing a
17 business tax receipt license based wholly or in part upon property valuation, capacity, number of
18 workers, or any other contingency, to require the person applying for such a receipt license to file
19 with the director of finance an affidavit giving full and complete information thereof. Any
20 business, profession or occupation failing to provide information to the director of finance as to

D R A F T

5/15/07

1 property valuation, capacity, number of workers, or any other contingency prior to August 1 each
2 year and who engages in business on October 1 shall be considered as operating without a
3 business tax receipt ~~license~~ and subject to the penalty provided by section 25-47. The
4 applications and affidavits required by this section shall be retained as part of the records of the
5 office of the director of finance.

6 **Sec. 25-45. Same--Transfer.**

7 (a) All business tax receipts ~~licenses~~ except those issued pursuant to the business ~~license~~
8 tax exemption set forth in subsection 25-50(f) may be transferred to a new owner when there is a
9 bona fide sale of the business upon payment of a transfer fee of ten percent of the annual
10 business ~~license~~ tax but not less than \$3.00 nor more than \$25.00 and presentation of evidence of
11 the sale and the original business tax receipt ~~license~~.

12 (b) Upon written application and presentation of the original business tax receipt ~~license~~,
13 any receipt ~~license~~ except those issued pursuant to the business ~~license~~ tax exemption set forth in
14 subsection 25-50(f) may be transferred from one location to another location in the same
15 municipality, upon payment of a transfer fee in accordance with the schedule set out in Appendix
16 A.

17 **Sec. 25-46. Same--Terms; due dates for renewals; half-year business tax receipts ~~licenses~~.**

18 (a) No business tax receipt ~~license~~ shall be issued for longer than one year.

D R A F T

5/15/07

1 (b) All business tax receipts ~~licenses~~ shall expire on the 30th day of September and shall
2 be renewable on or before the first day of October. If October 1 falls on a weekend or holiday,
3 the tax shall be due and payable on or before the first working day following October 1.

4 (c) Half-year business tax receipts ~~licenses~~ may be issued by the director of finance
5 under the provisions of this article for the period April 1 to September 30th, upon payment of
6 one-half of the tax fixed as the amount for the business tax receipt ~~license~~ for one year.

7 **Sec. 25-47. Same--Penalty for delinquent renewals.**

8 Those business tax receipts ~~licenses~~ not renewed when due and payable shall be
9 considered delinquent and subject to a delinquency penalty of ten percent for the month of
10 October, plus an additional five-percent penalty for each month of delinquency thereafter until
11 paid; provided that the total delinquency penalty shall not exceed 25 percent of the local business
12 tax ~~occupational license fee~~ for the delinquent establishment.

13 **Sec. 25-48. Business License taxes based on number of workers or inventory; how** 14 **computed.**

15 Whenever the amount of a business ~~license~~ tax shall be based wholly or in part on the
16 basis of the number of workers, the number to be used in calculating the amount of the business
17 ~~license~~ tax shall be the average number of workers during the preceding receipted ~~license~~ year or
18 business operating period, or the average number of workers reasonably expected to be
19 employed during the period for which the business tax receipt ~~license~~ is to be issued, whichever
20 number shall be the greater. The average shall be obtained by adding the maximum and

D R A F T

5/15/07

1 minimum number of workers for the period for which the average is to be obtained and the
2 division by two of the sum of the maximum and the minimum. The term "workers" includes all
3 persons actively working in the business, whether owners thereof or not. Whenever the amount
4 of a business ~~license~~ tax shall be based wholly or in part on the basis of inventory, the cost value
5 of inventory shall be based on the most recent fiscal year end inventory taken prior to June 1 of
6 the year the business tax receipt ~~license~~ is issued.

7 **Sec. 25-49. Gambling and lotteries, zoning violations not authorized.**

8 The issuance of any business tax receipt ~~license~~ under the terms of this article shall not be
9 construed to authorize or permit the conduct of any business, occupation or profession in any
10 area of the city in violation of the zoning laws or any other ordinance of the city or any law of
11 the state; nor shall anything in this article or other ordinances of the city be construed to
12 authorize gambling or the operation of a lottery.

13 **Sec. 25-50. Exemptions.**

14 (a) All disabled persons physically incapable of manual labor, all widows or widowers
15 with minor dependents, and all persons 65 years of age or older shall be allowed to engage in any
16 business, occupation or profession without being required to pay a business ~~license~~ tax, except
17 for a license to sell intoxicating liquors or malt and vinous beverages, provided they:

- 18 (1) Live in Alachua County,
19 (2) Employ not more than one employee or helper, and

D R A F T

5/15/07

1 (3) Use their own capital only, not in excess of \$1,000.00.

2 (b) Any bona fide, permanent resident elector of the state who is a veteran of any war in
3 which the United States Armed Forces participated and who was honorably discharged from the
4 service of the United States and who at the time of application for a business tax receipt ~~license~~,
5 shall be disabled from performing manual labor shall, upon due proof of qualifications for
6 exemption, be granted a business tax receipt ~~license~~ to engage in any business, profession or
7 occupation which may be carried on mainly through the personal efforts of the receipt holder
8 ~~licensee~~ as a means of livelihood and for which the business ~~license~~ tax does not exceed the sum
9 of \$50.00, or shall be entitled to an exemption to the extent of \$50.00 on any business tax ~~license~~
10 to engage in any business, profession or occupation which may be carried on mainly through the
11 personal efforts of the receipt holder ~~licensee~~ as a means of livelihood when the business ~~license~~
12 tax therefor shall be more than \$50.00. The unremarried spouse of the deceased disabled veteran
13 of any war in which United States Armed Forces participated will be entitled to the same
14 exemptions as the disabled veteran.

15 (c) College and high school students may, with the approval of the athletic association or
16 proper school authorities, sell the pennants, badges, insignia and novelties of their school without
17 being required to pay a business ~~license~~ tax.

18 (d) Nothing in this article shall be construed to require a business tax receipt ~~license~~ for
19 practicing the religious tenets of any church.

D R A F T

5/15/07

1 (e) All persons who are full-time employees of the University of Florida, do not have
2 offices off the University of Florida campus, and do not hold themselves out to the public as
3 available for practice of their professions, shall be exempt from the payment of the local business
4 tax. ~~occupational license fees.~~

5 (f) All persons who conduct their business, profession, or occupation at a permanent
6 business location or branch office located in an area designated as an enterprise zone pursuant to
7 F.S. Ch. 290, shall be exempt from 50 percent of the local business ~~occupation~~ tax levied by this
8 chapter for that permanent business location or branch office.

9 (g) All persons engaging in or managing a business, profession, or occupation regulated
10 by the Department of Business and Professional Regulation who have paid a local business ~~an~~
11 ~~occupational license~~ tax for the current year to the county or municipality in the state where their
12 permanent business location or branch office is maintained shall be exempt from payment of the
13 local business ~~occupation~~ tax levied by this article for work or services on a temporary or
14 transitory basis in the city.

15 **Sec. 25-50.1. Same--Enterprise zone.**

16 (a) Any business subject to the local business ~~occupational license~~ tax which exercises
17 its privilege to do business at a permanent business location or branch office in the enterprise
18 zone established by Resolution R050296 may receive a 50-percent reduction in the local
19 business ~~occupational license~~ tax levied for the business located in the enterprise zone.

D R A F T

5/15/07

1 (b) Before a business tax receipt ~~license~~ with the exemption authorized herein may be
2 issued, the applicant must provide proof to the city that the applicant is entitled to such
3 exemption. Such proof shall be made by means of a statement filed under oath with the tax
4 collecting authority, which statement indicates that the permanent business location or branch
5 office of the applicant is located in the enterprise zone as defined in Resolution R050296. In
6 order to obtain the exemption herein authorized, any business renewing its business tax receipt
7 ~~license~~ must file the required proof with its local business ~~occupational~~ tax payment on or before
8 October 1 of the affected fiscal year. Any business failing to timely file required proof and
9 payment will forfeit its right to the exemption for that fiscal year.

10 (c) Any business tax receipt ~~license~~ obtained with the exemption herein authorized
11 which was procured by the commission of fraud, shall be deemed null and void. Any person who
12 fraudulently obtained such exemption and thereafter engages, under color of the business tax
13 receipt ~~license~~, in any business, profession, or occupation requiring the business tax receipt
14 ~~license~~ is subject to prosecution for engaging in a business, profession, or occupation without
15 having the required business tax receipt ~~license~~ under the laws of the state.

16 (d) Any business tax receipt ~~license~~ issued with the exemption herein authorized in
17 nontransferable. The exemption authorized by this section does not apply to any penalty
18 authorized in F.S. § 205.053.

19 (e) This exemption shall be applicable beginning with business tax receipts or
20 occupational licenses issued for the 1995/1996 fiscal year.

D R A F T

5/15/07

1 (f) No business tax receipt ~~license~~ shall be issued with the exemption authorized in this
2 section for any period beginning on or after January 1, 2016.

3 **Sec. 25-51. Schedule.**

4 EXHIBIT A

5 ZONING GROUP I--AGRICULTURE, FORESTRY, FISHING

6 Hatchery\$131.25

7 Nursery-shrubs, trees & plants131.25

8 ZONING GROUP II--MINING

9 Sand, dirt, rock or shell131.25

10 Wood & coal yards131.25

11 ZONING GROUP III--CONSTRUCTION

12 Burglar alarm-install, monitor & service131.25

13 Contractor/sub-contractor131.25

14 Signs-installation.....131.25

15 Tree service—unlimited.....131.25

16 Tree service--trimming & pruning only.....84.00

17 ZONING GROUP IV--MANUFACTURING

18 Bottling plant &/or distributorsee below*

D R A F T

5/15/07

1 Manufacturing.....see below*

2 *Fee schedule:

3 1--6 Workers52.50

4 7--13 Workers105.00

5 14--20 Workers157.50

6 21--50 Workers210.00

7 Over 50 Workers.....525.00

8 ZONING GROUP V--TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS &

9 SANITARY SERVICES (INCLUDES WAREHOUSES)

10 Agency—travel.....105.00

11 Aircraft--fixed base operator.....210.00

12 Aircraft--rental/leasing:

13 --Aircraft for rent:

14 1—6.....52.50

15 7—13.....105.00

16 14—20.....157.50

17 21—50.....210.00

18 Over 50.....525.00

D R A F T

5/15/07

1 Ambulance service.....105.00

2 Auto--Buses:

3 --First vehicle52.50

4 --Each additional vehicle . . . 10.50

5 --Maximum525.00

6 Auto--Limousines with drivers:

7 --First vehicle52.50

8 --Each additional vehicle10.50

9 --Maximum525.00

10 Auto--Storage 14 day maximum.....105.00

11 Auto--Storage or parking lot:

12 --Spaces not in excess of 2552.50

13 --Over 25 spaces157.50

14 Auto--Taxicabs or vehicles with drivers:

15 --First vehicle52.50

16 --Each additional vehicle10.50

17 --Maximum525.00

18 Auto--transfer, hauling or delivery company:

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 --First vehicle52.50

2 --Each additional vehicle10.50

3 --Maximum525.00

4 Auto--wrecker yard--storage--no retail sales105.00

5 Cold storage plant105.00

6 Directories--compiling &/or selling.....105.00

7 Gas (L/P) and/or fuel oil dealer105.00

8 Gas company--natural or manufactured.....105.00

9 Gas company--natural or manufactured/fran105.00

10 Gasoline and oil dealer wholesale.....105.00

11 Radio wire or background music105.00

12 Radio/TV--Studio for O/C station105.00

13 Radio/TV/cable broadcasting.....105.00

14 Radio/TV/cable broadcasting/franchise.....105.00

15 Radio/TV/cable mobile studio105.00

16 Railroad company525.00

17 Storage warehouse or lot.....105.00

18 Studio--TV advertising, etc. Film made105.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	Telegraph company.....	210.00
2	Telephone company	525.00
3	Telephone company/franchise	446.25
4	Telephone solicitation.....	105.00
5	ZONING GROUP VI--WHOLESALE TRADE	
6	Bakery--Wholesale, plant outside city	105.00
7	Distributor--Merchandise or commodities.....	105.00
8	Livestock bet/commission agent.....	105.00
9	Merchant--Wholesale from vehicle/\$3000	105.00
10	Merchant--Wholesale	
11	--When cost value of inventory based on most recent fiscal year end inventory prior to June 1st	
12	equals:	
13	0--\$10,000.00.....	105.00
14	10,001.00--20,000.00	157.50
15	20,001.00--50,000.00	210.00
16	50,001.00--100,00.00	315.00
17	100,001.00--150,000.00.....	420.00
18	Over \$150,000.00.....	525.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 ZONING GROUP VII--RETAIL TRADE

2 Art show, festival, etc.:

3 --First ten booths/stalls.....78.75

4 --Each additional booth/stall3.15

5 --Maximum525.00

6 Auto--New car dealer.....315.00

7 Auto--New car dealer--Second location315.00

8 Auto--Salvage yard210.00

9 Auto--Service station:

10 --1--6 pumps.....52.50

11 --7--13 pumps.....105.00

12 --14--20 pumps.....157.50

13 --21--50 pumps.....210.00

14 --Over 50 pumps525.00

15 Auto--Used cars210.00

16 Auto--Used cars sold by new car dealer99.75

17 Bakery--Baking on premises for R/T sales:

18 --1--6 workers52.50

D R A F T

5/15/07

1 --7--13 workers105.00

2 --14--20 workers157.50

3 --21--50 workers210.00

4 --Over 50 workers525.00

5 Catalogue order service/mail order105.00

6 Caterer105.00

7 Caterer--Food prep--Off premises only105.00

8 Cemetery315.00

9 Christmas tree lot99.75

10 Coin-op/vending mach. Less than five cents:

11 --Each machine10.50

12 --Maximum525.00

13 Coin-op/vending mach. five cents or more:

14 --Each machine15.75

15 --Maximum525.00

16 --Concession stand52.50

17 Drive-in/B-B-Q Stand, etc105.00

18 Flea/farmer's market:

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	--First ten booths/stalls.....	78.75
2	--Each additional booth/stall.....	3.15
3	--Maximum	525.00
4	Florist	105.00
5	Florist--Catalogue sales only	105.00
6	Home party sales (comb. With 1805, 1811, 1812).....	78.75
7	Indoor sales--Temporary location.....	315.00
8	Junk or scrap metal dealer.....	315.00
9	Manufacturing--Silk/cut floral arrang. Only.....	52.50
10	--1--6 workers	52.50
11	--7--13 workers	105.00
12	--14--20 workers	157.50
13	--21--50 workers	210.00
14	--Over 50 workers.....	525.00
15	Merchant--retail	
16	--When cost value of inventory based on most recent fiscal year end inventory prior to June 1st	
17	equals:	
18	--0--\$5,000.00	52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	--\$5,001.00--\$10,000.00	105.00
2	--\$10,001.00--\$20,000.00	157.50
3	--\$20,001.00--\$50,000.00	210.00
4	--\$50,001.00--\$100,000.00	262.50
5	--\$100,001.00--\$300,000.00	315.00
6	--\$300,001.00--\$500,000.00	420.00
7	--Over \$500,000.00	525.00
8	Merchant--retail w/pharmacy	
9	--When cost value of inventory based on most recent fiscal year end inventory prior to June 1st	
10	equals:	
11	--0--\$5,000.00	52.50
12	--\$5,001.00--\$10,000.00	105.00
13	--\$10,001.00--\$20,000.00	157.50
14	--\$20,001.00--\$50,000.00	210.00
15	--\$50,001.00--\$100,000.00	262.50
16	--\$100,001.00--\$300,000.00	315.00
17	--\$300,001.00--\$500,000.00	420.00
18	--Over \$500,000.00	525.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	Mobile home sales	315.00
2	Motorcycle sales or rental only.....	105.00
3	Motorcycle sales, repairs & rental	210.00
4	Pawnshop	315.00
5	Peddler	52.50
6	Peddler--food cart	105.00
7	Physical therapy devices	78.75
8	Restaurant:	
9	--0--10 Seating accommodations	52.50
10	--11--15 Seating accommodations	78.75
11	--16--20 Seating accommodations	105.00
12	--21--50 Seating accommodations	131.25
13	--51--100 Seating accommodations	210.00
14	--101--200 Seating accommodations	288.75
15	--201--250 Seating accommodations	367.50
16	--251--300 Seating accommodations	472.50
17	--Over 300 Seating accommodations.....	525.00
18	Stand--Farm products, fruits, plants.....	52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 ZONING GROUP VIII--FINANCE, INSURANCE, & REAL ESTATE

2 Appraisal bureau or agency105.00

3 Auto broker (purchasing service).....105.00

4 Bail bonding agent99.75

5 Bank building & loan association315.00

6 Bank building & loan association-Branch131.25

7 Bank, building & loan assn.-Auto teller105.00

8 Bonding company131.25

9 Bonding company criminal or bail131.25

10 Broker—Business105.00

11 Broker--Business (multiple), each105.00

12 Broker--Management office.....105.00

13 Insurance adjustor105.00

14 Insurance adjustors (multiple), each105.00

15 Insurance agent47.25

16 Insurance agents (multiple), each47.25

17 Insurance Claims Investigator.....99.75

18 Insurance company or broker.....131.25

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Loan & finance co.--Chapter 516315.00

2 Loan & finance co.--Chapter 520315.00

3 Loan & finance co.--Lease installment.....315.00

4 Loan & finance co.--2nd mortgage only.....315.00

5 Merchant—Importer105.00

6 Money transfer only105.00

7 Mortgage or loan—Broker.....105.00

8 Mortgage or loan--Solicitor/agent.....99.75

9 Real estate appraiser105.00

10 Real estate broker.....105.00

11 Real estate broker--Branch office105.00

12 Real estate listing bureau105.00

13 Real estate salesperson.....52.50

14 Stock bond or mutual fund--Dealer (multiple), each.....105.00

15 Stock, bond &/or mutual fund—Dealer.....105.00

16 Stock, bond &/or mutual fund—Sales99.75

17 ZONING GROUP IX--SERVICES

18 Abstracts of title.....210.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Advertising matter—Distributor.....105.00

2 Advertising—Agency105.00

3 Advertising--Graphics/art layouts.....78.75

4 Advertising--Motor vehicles105.00

5 Advertising--Outdoor signs & billboards105.00

6 Advertising--Sound amplifying vehicles26.25

7 Advertising--Trade inducement105.00

8 Agency105.00

9 Agency--Claims & collections.....105.00

10 Agency--Credit reporting.....105.00

11 Agency--Display/stock not for sale105.00

12 Agency—Employment105.00

13 Agency—Equipment.....105.00

14 Agency--Manufacturer's representative105.00

15 Agency—Marketing105.00

16 Agency--Private detective/investigative105.00

17 Agency--Private investigative:

18 --1--6 workers52.50

D R A F T

5/15/07

1 --7--13 workers105.00

2 --14--20 workers157.50

3 --21--50 workers210.00

4 --Over 50 workers525.00

5 Agency--Temp. services (originally Serv. For Pub.).....105.00

6 Amusement park/permanently located525.00

7 Animal Care—Boarding52.50

8 Animal care—Grooming52.50

9 Animal care--Hospital without vet.....105.00

10 Apartment, condominium, etc. rental:

11 --0--4 units No charge

12 --5 units52.50

13 --Over five units, each additional unit1.05

14 --Maximum525.00

15 Armored car service105.00

16 Auction shop210.00

17 Auctioneer105.00

18 Auto--Body painting, upholstery & top shop:

D R A F T

5/15/07

1 --1--6 workers52.50

2 --7--13 workers105.00

3 --14--20 workers157.50

4 --21--50 workers210.00

5 --Over 50 workers525.00

6 Auto-car cleaning, waxing, detailing:

7 --1--6 workers52.50

8 --7--13 workers105.00

9 --14--20 workers157.50

10 --21--50 workers210.00

11 --Over 50 workers525.00

12 Auto--car wash/mechanical:

13 --1--6 workers52.50

14 --7--13 workers105.00

15 --14--20 workers157.50

16 --21--50 workers210.00

17 --Over 50 workers525.00

18 Automobile repair:

D R A F T

5/15/07

1 --1--6 workers52.50

2 --7--13 workers105.00

3 --14--20 workers157.50

4 --21--50 workers210.00

5 --Over 50 workers525.00

6 ZONING GROUP IX--SERVICES

7 Auto recovery service:

8 --1--6 workers52.50

9 --7--13 workers105.00

10 --14--20 workers157.50

11 --21--50 workers210.00

12 --Over 50 workers525.00

13 Auto--Rental of trailers to be towed105.00

14 Auto--Stall rental for repair:

15 --1--6 workers52.50

16 --7--13 workers105.00

17 --14--20 workers157.50

18 --21--50 workers210.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 --Over 50 workers525.00

2 Auto--U Drive It leasing:

3 --First vehicle105.00

4 --Each additional vehicle10.50

5 --Maximum525.00

6 Auto--Vehicle repair garage (incl. motorcycle).....52.50

7 --1--6 workers52.50

8 --7--13 workers105.00

9 --14--20 workers157.50

10 --21--50 workers210.00

11 --Over 50 workers525.00

12 Auto--Wrecker service:

13 --1--6 workers52.50

14 --7--13 workers105.00

15 --14--20 workers157.50

16 --21--50 workers210.00

17 --Over 50 workers525.00

18 Automobile association.....52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Banquet hall105.00

2 Barbershop/beauty parlor:

3 --1--6 workers52.50

4 --7--13 workers105.00

5 --14--20 workers157.50

6 --21--50 workers210.00

7 --Over 50 workers525.00

8 Billiards, bagatelle or pool:

9 --Each machine26.25

10 --Maximum525.00

11 Bookkeeping or income tax service.....105.00

12 Bowling alley:

13 --First lane.....105.00

14 --Each additional lane10.50

15 --Maximum525.00

16 Burglar alarm--Rental/leasing of equip52.50

17 Business office--Not otherwise taxed ~~licensed~~:

18 --1--6 workers52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 --7--13 workers105.00

2 --14--20 workers157.50

3 --21--50 workers210.00

4 --Over 50 workers525.00

5 Child care52.50

6 Coin-op/amusement machine:

7 --Each machine26.25

8 --Maximum525.00

9 Coin-op/music machine:

10 --Each machine26.25

11 --Maximum525.00

12 Coin-op/per or dist of amuse/vend mach210.00

13 Coin-op/weighing machine:

14 --Each machine26.25

15 --Maximum525.00

16 Contest company.....315.00

17 Copy business:

18 --1--6 workers52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	--7--13 workers	105.00
2	--14--20 workers	157.50
3	--21--50 workers	210.00
4	--Over 50 workers	525.00
5	Counselor/advisor (non-professional):	
6	--1--6 workers	52.50
7	--7--13 workers	105.00
8	--14--20 workers	157.50
9	--21--50 workers	210.00
10	--Over 50 workers	525.00
11	Counselor/advisor--Hearing aid:	
12	--1--6 workers	52.50
13	--7--13 workers	105.00
14	--14--20 workers	157.50
15	--21--50 workers	210.00
16	--Over 50 workers	525.00
17	Dance hall	210.00
18	Data processing service:	

D R A F T

5/15/07

1	--1--6 workers	52.50
2	--7--13 workers	105.00
3	--14--20 workers	157.50
4	--21--50 workers	210.00
5	--Over 50 workers	525.00
6	Dental hygienist/assistant.....	105.00
7	Divine healer	131.25
8	Dry clean plant.....	210.00
9	Dry clean--Pick up station	26.25
10	Dry clean--Pick up station/no local plant.....	52.50
11	Dry clean--self service or automatic:	
12	--1--3 machines	52.50
13	--Each additional machine	5.25
14	--Maximum	525.00
15	Electronics--Computer analyst, each	105.00
16	Maximum.....	525.00
17	Electronics--Computer programmers:	
18	--1--6 workers	52.50

D R A F T

5/15/07

1	--7--13 workers	105.00
2	--14--20 workers	157.50
3	--21--50 workers	210.00
4	--Over 50 workers	525.00
5	Exterminator--Termites/other insects	210.00
6	Fortuneteller--Required fingerprinting:	
7	--1--6 workers	52.50
8	--7--13 workers	105.00
9	--14--20 workers	157.50
10	--21--50 workers	210.00
11	--Over 50 workers	525.00
12	Funeral home	210.00
13	Go-karts & like amusement devices	210.00
14	Golf--Driving range only	105.00
15	Golf--Miniature course	105.00
16	Golf--Regular course, 9 or 18 holes.....	210.00
17	Gymnasium, athletic club or health salon.....	131.25
18	Hospital.....	315.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Hotel, rooming house, motel, tourist, ct.:

2 --0--4 Rooms.....0.00

3 --5 Rooms.....52.50

4 --Over five rooms, each additional room.....2.63

5 --Maximum525.00

6 Interior decorator/designer.....105.00

7 Janitorial & allied serv.--Interior clean:

8 --1--6 workers52.50

9 --7--13 workers105.00

10 --14--20 workers157.50

11 --21--50 workers210.00

12 --Over 50 workers525.00

13 Janitorial & allied ser.--Exterior clean:

14 --1--6 workers52.50

15 --7--13 workers105.00

16 --14--20 workers157.50

17 --21--50 workers210.00

18 --Over 50 workers525.00

D R A F T

5/15/07

1 Janitorial & allied serv.--Park lot sweep:

2 --1--6 workers52.50

3 --7--13 workers105.00

4 --14--20 workers157.50

5 --21--50 workers210.00

6 --Over 50 workers525.00

7 Kennel--Dog & other animals.....131.25

8 Laboratory.....105.00

9 Laboratory—Dental105.00

10 Laundry--Carpet/drape--off customer site105.00

11 Laundry--Diaper service only105.00

12 Laundry—Facility.....210.00

13 Laundry--Self service or automatic:

14 --1--3 machines52.50

15 --Each additional machine5.25

16 --Maximum525.00

17 Lawn/yard maintenance:

18 --1--6 workers52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 --7--13 workers105.00

2 --14--20 workers157.50

3 --21--50 workers210.00

4 --Over 50 workers525.00

5 Linen, uniform & towel service only105.00

6 Masseur/masseuse.....105.00

7 Microfilming/not lic. as photographer105.00

8 Mobile home serv, repair, awn. Inst.:

9 --1--6 workers52.50

10 --7--13 workers105.00

11 --14--20 workers157.50

12 --21--50 workers210.00

13 --Over 50 workers525.00

14 Museum.....105.00

15 Newspaper--Local office for o/c paper105.00

16 Newspaper/less than six times a week105.00

17 Newspaper/6 or more times a week446.25

18 Notary public:

D R A F T

5/15/07

1 --1--6 workers52.50

2 --7--13 workers105.00

3 --14--20 workers157.50

4 --21--50 workers210.00

5 --Over 50 workers525.00

6 Photo or film dev./not otherwise lic.....105.00

7 Photographer105.00

8 Physical/speech therapy105.00

9 Piano/organ tuner52.50

10 Professional.....105.00

11 Professional (multiple), each105.00

12 Maximum per firm/company525.00

13 Professional--Accountant/auditor105.00

14 Professional—Acupuncture105.00

15 Professional—Architect.....105.00

16 Professional—Artist.....105.00

17 Professional--Artist/tattoo.....105.00

18 Professional--Athletic trainer.....105.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Professional--Attorney/lawyer105.00

2 Professional--Branch office105.00

3 Professional—Chemist105.00

4 Professional—Chiropractor105.00

5 Professional--Clinical social worker105.00

6 Professional—Consultant105.00

7 Professional—Dentist105.00

8 Professional--Direct disposer (cremation)105.00

9 Professional--Engineer/civil, consulting.....105.00

10 Professional--Land surveyor105.00

11 Professional--Landscape architect105.00

12 Professional--Marriage & family therapist105.00

13 Professional--Mental health counselor105.00

14 Professional--Occupational therapist105.00

15 Professional--Optician filling prescript.....105.00

16 Professional--Optician/prescrip & lenses105.00

17 Professional—Optometrist.....105.00

18 Professional--Osteopathic physician.....105.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Professional--Physician/surgeon (MD).....105.00

2 Professional—Podiatrist105.00

3 Professional—Psychiatrist105.00

4 Professional—Psychologist105.00

5 Professional—Veterinarian.....105.00

6 Professional—Writer105.00

7 Promoter.....105.00

8 Publisher including graphics, etc105.00

9 Publisher—Agent.....105.00

10 Recording studio:

11 --1--6 workers52.50

12 --7--13 workers105.00

13 --14--20 workers157.50

14 --21--50 workers210.00

15 --Over 50 workers.....525.00

16 Recreational vehicle/motor homes, trucks210.00

17 Recreational vehicle/trvl. trailers, etc210.00

18 Recycling company:

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 --1--6 workers52.50

2 --7--13 workers105.00

3 --14--20 workers157.50

4 --21--50 workers210.00

5 --Over 50 workers525.00

6 Rental/portable buildings131.25

7 Rentals/leasing business:

8 --1--6 workers52.50

9 --7--13 workers105.00

10 --14--20 workers157.50

11 --21--50 workers210.00

12 --Over 50 workers525.00

13 Rentals/leasing--Heavy equipment210.00

14 Rentals/leasing—Other52.50

15 Rentals/leasing--Portable toilets210.00

16 Rentals/leasing--Sanitary containers.....210.00

17 Rides/ferris wheels, etc.:

18 1--3 days, each device.....52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	Each additional day, each device	15.75
2	Rinks--bicycles, skating, etc	105.00
3	Sanitarium, nursing home, etc	210.00
4	School	52.50
5	School—Aircraft.....	105.00
6	School--Animal care—Obedience	105.00
7	School--Art studio.....	52.50
8	School--Automobile driving	52.50
9	School—Business	52.50
10	School—Cosmetology	52.50
11	School--Crafts	52.50
12	School—Dancing.....	52.50
13	School—Dramatic.....	52.50
14	School—Exercise.....	52.50
15	School--Karate/judo.....	52.50
16	School--Model or charm.....	52.50
17	School--Music (piano, voice, instrument)	52.50
18	School—Private	52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	School--Real estate	52.50
2	School--Riding or academy	52.50
3	Service for the public:	
4	--1--6 workers	52.50
5	--7--13 workers	105.00
6	--14--20 workers	157.50
7	--21--50 workers	210.00
8	--Over 50 workers	525.00
9	Service for the public--Repair:	
10	--1--6 workers	52.50
11	--7--13 workers	105.00
12	--14--20 workers	157.50
13	--21--50 workers	210.00
14	--Over 50 workers	525.00
15	Service for the public--Sewer cleaning:	
16	--1--6 workers	52.50
17	--7--13 workers	105.00
18	--14--20 workers	157.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1	--21--50 workers	210.00
2	--Over 50 workers	525.00
3	Shooting gallery	210.00
4	Show--Small animals/dog, pony, etc	105.00
5	Show--Wrestling, boxing, musicals, etc	210.00
6	Show/carnival, per day.....	315.00
7	Maximum per event	1,575.00
8	Show/circus, per day.....	315.00
9	Maximum per event	1,575.00
10	Show/exhibit (freaks, curiosities, etc.).....	131.25
11	Stenographer, typist, court reporter:	
12	--1--6 workers	52.50
13	--7--13 workers	105.00
14	--14--20 workers	157.50
15	--21--50 workers	210.00
16	--Over 50 workers	525.00
17	Swimming pool (not municipally owned)	105.00
18	Tailor.....	52.50

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Taxidermist52.50

2 Telephone answering service105.00

3 Theater seating 1000 or more525.00

4 Theater seating 500 or less315.00

5 Theater seating 501 to 999420.00

6 Theater/drive-in315.00

7 Ticket office not otherwise taxed ~~licensed~~105.00

8 Trailer/mobile home camps or parks:

9 --0--4 spaces0.00

10 --5 spaces52.50

11 --Over five spaces, each additional space1.05

12 --Maximum525.00

13 Upholstery shop:

14 --1--6 workers52.50

15 --7--13 workers105.00

16 --14--20 workers157.50

17 --21--50 workers210.00

18 --Over 50 workers525.00

CODE: Words ~~stricken~~ are deleted; words underlined are added.

D R A F T

5/15/07

1 Watchman, guard or patrol agency:

2 --1--6 workers52.50

3 --7--13 workers105.00

4 --14--20 workers157.50

5 --21--50 workers210.00

6 --Over 50 workers525.00

7 ZONING GROUP X--PUBLIC ADMINISTRATION

8 Fair--certified county (per event).....525.00

9 Fair--County (per event)525.00

10 ZONING GROUP XI--NONCLASSIFIABLE ESTABLISHMENTS UNCLASSIFIED—

11 Maximum.....525.00

12 Fees for unclassified will be set based on reasonable assumptions with a maximum of \$525.00.

13 **Section 11.** Section 26-116, of Article III, Division 4, entitled “Controlled Vehicular
14 Parking”, Code of Ordinances of the City of Gainesville, is hereby amended to read as follows:

15 **Sec. 26-116. Definitions.**

16 Whenever in this article the following words are used they shall, unless the context requires
17 otherwise, be deemed to have the following meanings:

D R A F T

5/15/07

- 1 (a) Controlled vehicular parking area shall mean an area containing streets or parts thereof
2 designated by the city commission for restricted parking as specified in this article.
- 3 (b) Property owner shall consist of residents, offices, businesses, institutions or other special
4 designations that can provide proof of property ownership in the controlled vehicular parking
5 area or be in possession of an business ~~occupational~~ tax receipt, if applicable, for a business or
6 occupation located in the controlled vehicular parking area.
- 7 (c) Controlled vehicular parking zones are geographical areas within the controlled vehicular
8 parking area. Any controlled vehicular parking area may have more than one parking zone. The
9 operational guidelines for the controlled vehicular parking areas will contain a map designating
10 any such zones.
- 11 (d) Controlled vehicular parking area decal is a decal issued for the purpose of parking on a
12 city street in a designated controlled vehicular parking area. Decals shall be issued for a
13 particular vehicle, are not transferable, and are valid, unless revoked, until the end of the current
14 program year. The decal shall be permanently affixed to the vehicle as per the operational
15 guidelines.
- 16 (e) Controlled vehicular parking area permit is a permit issued for the purpose of parking on a
17 city street in a designated controlled vehicular parking area. A permit can be transferred from
18 vehicle to vehicle and is valid for the period stated in the operational guidelines for the controlled
19 vehicular parking area. The permit shall be displayed on the vehicle as per the operational
20 guidelines.

D R A F T

5/15/07

1 (f) Appeals board shall be a board of three city staff appointed by the city manager or designee
2 to hear appeals related to the controlled vehicular parking area regulations of this article.

3 (g) Program year shall be a period specified in the operational guidelines for the controlled
4 vehicular parking area.

5 (h) Property manager shall be a period or business authorized to act on behalf of the property
6 owner on issues concerning rental of the property.

7 (i) Service permit shall mean a controlled vehicular parking area permit issued for trades
8 people working in a controlled vehicular parking area. A service permit shall be valid in all
9 zones within the controlled vehicular parking area.

10 (j) Visitor permit shall mean a controlled vehicular parking area permit issued for use by
11 visitors to the property coming from outside the controlled vehicular parking area.

12 (k) Commercial permit shall mean a controlled vehicular parking area permit issued to offices,
13 businesses, institutions or other special designations within the controlled vehicular parking area.

14 (l) Temporary decal/permit shall mean a controlled vehicular parking area decal or permit
15 given to an applicant who qualifies for a regular parking decal or permit, but who is temporarily
16 unable to get or use the regular decal or permit.

17 **Section 12.** Sections 28-1, 28-2, 28-4, 28-5 and 28-14, of Chapter 8 entitled “Vehicles
18 for Hire”, Code of Ordinances of the City of Gainesville, are hereby amended to read as follows:

19 **Sec. 28-1. Business tax receipt ~~Occupational license~~ required.**

D R A F T

5/15/07

1 (a) It shall be unlawful for any person to be engaged in or carry on the business of operating a
2 vehicle for hire within the city for the transportation of passengers within the city, other than
3 buses operating on regularly scheduled routes, without first obtaining ~~an~~ business tax receipt
4 ~~occupational license~~ from the city to do so as required by chapter 25 of this Code. This business
5 tax receipt ~~occupational license~~ will be issued only after a franchise is granted.

6 (b) This chapter shall not apply to any company that is temporarily in the city for the sole
7 purpose of delivering passengers from another jurisdiction. However, such out-of-city cab or
8 limousine shall not pick up passengers in the city without complying with this chapter, except
9 that a limousine may return passengers delivered in the city, when such return is part of the same
10 contract.

11 **Sec. 28-2. Definitions.**

12 The following words and phrases when used in this chapter shall have the meanings indicated
13 unless the text indicates otherwise:

14 Approved certified automobile mechanic shall mean an automobile mechanic certified by the
15 National Association of Certified Mechanics or the Association of Service Excellence.

16 Barbiturate or barbiturates shall include all hypnotic or somnifacient drugs, whether or not
17 derivatives of barbituric acids.

18 Barbituric acid derivative shall mean each of the salts and derivatives of barbituric acid, also
19 known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof.

D R A F T

5/15/07

1 Central nervous system stimulants shall mean amphetamine and desocyephedrine, and any
2 derivative, compounds, mixture or preparation thereof.

3 Company shall mean any person, association, corporation or other organization which operates
4 or intends to engage in the business of operating vehicles for hire.

5 Conviction shall mean the conviction by a court including an adjudication of guilt on a plea of
6 guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

7 Driver shall mean an individual permitted to drive a vehicle for hire.

8 Fees shall mean nonrefundable payments required herein.

9 For hire drivers permit means the written authority granted by the city to drive a vehicle for hire
10 within the city limits.

11 Limousine shall mean any automobile, with chauffeur, contracted for with charges prepaid,
12 engaged in the transportation of persons for a consideration, that does not operate regularly or at
13 intervals over a designated route and that is not fitted with a meter or device for calculating or
14 measuring the distance traveled or the waiting time of such vehicle and that is constructed so as
15 to carry five or more passengers in the vehicle. Commercial non-emergency medical transport
16 vehicles (such as medivans) shall be considered limousines for the purpose of this chapter.

17 Manifest shall mean a daily record prepared by a taxicab or limousine driver of all trips made by
18 the driver showing time and place of origin, destination, number of passengers, and the amount
19 of fare of each trip.

D R A F T

5/15/07

1 Medallion shall mean the tangible symbol that a permit has been granted to operate the vehicle
2 for hire to which it is physically attached.

3 Narcotic drugs shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every
4 synthetic substance known to have narcotic action.

5 Business tax receipt ~~Occupational license~~ shall mean the license required of any business
6 operating within the city by chapter 25 of this Code.

7 Revocation shall mean the rescinding of a franchise.

8 Shuttle vehicle shall mean a vehicle for hire with a capacity of at least eight persons, including
9 the driver, which is not equipped with a taximeter and is not used as a taxicab or for cruising.

10 Suspension shall mean the temporary rescinding of a franchise. The suspension may be for a
11 time certain or indefinite pending compliance with the terms of this chapter.

12 Taxicab shall mean a motor vehicle used as a public conveyance, subject to the rules and
13 regulations of this chapter.

14 Taximeter shall mean an instrument or device attached to a vehicle and designed to measure
15 mechanically or electronically the distance traveled by such vehicle, to record the times said
16 vehicle travels or is in waiting, and to indicate the fare to be obtained.

17 Vehicle for hire (VFH) shall mean any taxicab, shuttle, prearranged limousine and any other
18 motor vehicle with a driver transporting passengers for a fare, fee, or other charge within the city
19 limits. The term vehicle for hire excludes:

D R A F T

5/15/07

- 1 (1) School and church buses;
- 2 (2) Sightseeing cars and buses;
- 3 (3) Ambulances;
- 4 (4) Funeral home vehicles;
- 5 (5) Interstate buses;
- 6 (6) Horse drawn carriages;
- 7 (7) Bike drawn or person drawn carriages; and
- 8 (8) Shuttles from hotels and motels which provide this as a service for guest.

9 **Sec. 28-4. Maintaining a franchise.**

10 In order to maintain a franchise to operate or engage in the business of operating vehicles for
11 hire, the company must:

- 12 (a) Obtain and hold a current business tax receipt ~~occupational license~~ from the city as required
13 by chapter 25 of this Code;
- 14 (b) Maintain an office within the city staffed by company agents or employees between the
15 hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except national holidays, where all
16 records, logs, financial statements, manifests and franchise documents required by this chapter
17 are kept and may be examined during business hours by the city manager or designee or by the
18 police department (taxicabs only);
- 19 (c) Maintain the name and home address of each driver affiliated with the company;

D R A F T

5/15/07

1 (d) Provide and maintain a log listing the year, make, model, vehicle identification number
2 (serial number) and ownership status of all vehicles in the company's fleet to city manager or
3 designee; and notify the city manager or designee of any changes within ten days.

4 (e) Maintain proper amount of insurance as provided in section 28-11; and notify the city
5 manager or designee of any changes within ten days.

6 (f) Comply with all state and local statutes, ordinances, rules and regulations regarding motor
7 vehicles, taxicabs or limousines.

8 (g) Comply with the applicable Gainesville Alachua County Regional Airport rules and
9 regulations if transporting to or from the Gainesville Regional Airport.

10 **Sec. 28-5. Duration of franchise; annual reports; fees.**

11 (a) All franchises granted by the city pursuant to this chapter shall have a five-year term. Each
12 franchise owner shall, however, file an annual report with the city containing the information
13 required by section 28-3. This report shall be filed at least 30 days and no more than 60 days
14 prior to the annual expiration date of the business tax receipt ~~occupational license~~, or, if no
15 business tax receipt ~~occupational license~~ is required, at least 30 days and no more than 60 days
16 prior to the anniversary of the initial franchise.

17 (b) All franchises granted by the city for a five-year term will pay the yearly fees established in
18 appendix A for each year of the franchise. The franchise owner shall be responsible for other
19 fees as established in appendix A when assessed. Effective October 1, 2007, for each properly
20 documented vehicle for which the fees have been paid, the VFH company shall receive a VFH

D R A F T

5/15/07

1 medallion. The medallions shall be vehicle specific and may not be transferred from one vehicle
2 to another.

3 (c) A penalty, as established in appendix A will be paid for every month or part thereof that the
4 annual report or payment is not timely filed, or is incomplete, or is incorrect.

5 **Sec. 28-14. Vehicle inspection.**

6 (a) In addition to all other vehicle inspections required by law, each vehicle for hire shall be
7 inspected prior to initially being put into service and every year thereafter by an approved
8 certified automobile mechanic. The inspection shall include items listed on a standardized
9 inspection form approved by the city.

10 (b) Copies of completed inspection forms must be filed with the city manager or designee 30
11 days prior to expiration of the business tax receipt ~~occupational license~~.

12 (c) The city manager/designee and/or law enforcement has the authority to place a VFH out of
13 service/commission if it is deemed unsafe or hazardous until the vehicle is brought up to safe
14 standards and a certified mechanic has completed a safety inspection and corrected any unsafe or
15 hazardous conditions. Proof of correction of unsafe or hazardous conditions, signed by and
16 approved certified automobile mechanic as defined in section 28-2 above, must be submitted
17 before a vehicle may be returned to service.

18 **Section 13.** Sections 30-336, of Division 3 entitled “Access Management”, and 30-346,
19 of Division 4, entitled “General Provisions” and 30-357, of Article X, Division 3, entitled
20 “Zoning Compliance Permits; Building Permits; Certificates of Occupancy”, of the Land

D R A F T

5/15/07

1 Development Code, Code of Ordinances of the City of Gainesville, are hereby amended to read
2 as follows:

3 **Sec. 30-336. Construction or removal of driveways.**

4 All driveways constructed or removed within the city limits shall be constructed or removed as
5 provided for in this section and chapter 23 of the Code of Ordinances.

6 (1) Unauthorized construction, curb cutting, etc., declared unlawful. It shall be unlawful for
7 any person to construct, cut, break out or remove any curb along a street or alley except as
8 authorized by the provisions of this article.

9 (2) Permit.

10 a. Required. No person shall remove, alter or construct any curb, driveway, gutter or pavement
11 or perform any other improvement on any public street or designated street right-of-way without
12 obtaining a permit authorizing the activity from the appropriate governmental entity (the state
13 department of transportation for roads on the state highway system, the county for roads under
14 county maintenance, or the city for all other roads).

15 b. Fees. Fees for city permits shall be according to the schedule set out in Appendix A and
16 shall be paid to the city by the person to whom the permit is issued at the time it is issued.

17 c. Posting at site. The driveway permit shall be posted at the construction site.

18 (3) Submission of plans; information required.

D R A F T

5/15/07

- 1 a. No driveway permit shall be issued except in compliance with this chapter. In the event that
2 the proposed construction does not require development review under this chapter, then a copy
3 of the plans showing the location and dimensions of all proposed improvements shall be filed
4 with the public works department and the traffic engineering department. Plans are not required
5 for single-family zoned property or single-family uses. All applications for driveway permits
6 must include information as to whether the driveway will connect to a road on the state highway
7 system or is on a county-maintained street.
- 8 b. Additional plans must be submitted to the state department of transportation or the county for
9 driveways connecting on the state highway system or county-maintained streets. All plans
10 submitted for driveways on the state highway system must meet state department of
11 transportation submittal requirements including those in F.A.C. Chapters 14-96 and 14-97. All
12 plans submitted for driveways connecting on county-maintained streets must meet the county's
13 submittal requirements.
- 14 c. Information required on plans submitted shall include:
- 15 1. A complete plot plan showing all proposed buildings and parking layouts, including north
16 arrow and date.
- 17 2. Existing and proposed driveway locations and widths.
- 18 3. Street pavement types and widths and right-of-way widths.
- 19 4. Proposed location of off-street loading and unloading facilities, interior parking
20 arrangements, and traffic circulating patterns.

D R A F T

5/15/07

- 1 5. Retaining walls, drainage, utility poles, trees and other physical features which affect the
2 driveway location.
- 3 6. Driveways on adjacent properties and/or on opposite side of the street.
- 4 7. The state road number, county road number or local road name, the existence and location of
5 any existing and/or proposed public or private roads (proposed public roads as shown in the state
6 department of transportation five-year transportation improvement plan or the city or the county
7 five-year capital improvement plans) abutting or entering the property, and the horizontal and
8 vertical curvature of the roads.
- 9 8. Any additional information required by the state department of transportation or the county
10 for roads under their permitting authority.
- 11 (4) Design considerations.
- 12 a. State department of transportation design and construction standards must be met for
13 driveways on the state highway system.
- 14 b. County design and construction standards must be met for driveways under county road
15 maintenance.
- 16 c. In addition to state department of transportation or state county design standards, all city
17 requirements shall be met unless they are superseded by state department of transportation or
18 county standards. The city design standards and all other city requirements shall be met for all
19 city-maintained streets or alleys.

D R A F T

5/15/07

- 1 d. The choice of the proper location for access facilities (driveways) must involve consideration
2 of the amount of conflict which can be expected both within the parking area and on the abutting
3 streets. One primary concept which shall be followed is to reduce the number of connections to a
4 practical minimum, thus providing fewer locations where conflicts may occur.
- 5 e. The area to which the driveway provides access shall be of sufficient size to allow all
6 necessary functions for loading, unloading and parking maneuvers to be carried out on private
7 property and completely off the street right-of-way.
- 8 f. Driveways shall be constructed to conform to the existing paved street grade or grade
9 approved by city engineer for nonpaved streets.
- 10 g. Parking areas shall be so designed and marked as to provide for orderly and safe movement
11 and storage of vehicles:
- 12 1. Back-out parking onto a public street and/or highway shall not be permitted unless the
13 parking backs out onto an alley (as determined by the city manager or designee) and in the
14 opinion of the city manager or designee does not present any unexpected hazard to roadway
15 users with respect to roadway design considerations (e.g. visibility, road width, maintenance of
16 utilities, traffic control devices). A street may not be declared to be an alley if the sole reason is
17 that a property is developed in such a manner as to extend through a block, having frontage on
18 more than one street. The following standards shall be used to determine if a particular right-of-
19 way is an alley:
- 20 i. The location of the right-of-way at mid-block in the street grid;

D R A F T

5/15/07

- 1 ii. Width of right-of-way (typically 15 to 20 feet);
- 2 iii. Right-of-way not in alignment with a street on a grid map.
- 3 2. The minimum distance from the street right-of-way line at any ingress or egress driveway to
4 any interior service drive or parking space with direct access to the driveway shall be twenty (20)
5 feet.
- 6 3. The minimum distance from the street right-of-way line on any major ingress or egress
7 driveway to any interior service drive or parking space having direct access to such driveway
8 shall be one hundred (100) feet. A major driveway is defined as the main ingress or egress point
9 to a public street or highway from a site of a major development such as a shopping center,
10 multiple-family development, industrial park, etc.
- 11 4. Six-inch standard curb or similar barrier shall be installed along the driveway from the street
12 right-of-way line to the first interior service drive or to and including the first interior parking
13 space described in subsections (4)g.2. and 3. of this section. Material other than concrete or
14 asphalt curb may be used if approved by the city engineer and chief code enforcement officer or
15 building official.
- 16 h. Driveways shall be laid out to intersect the street as nearly as possible at right angles (ninety
17 (90) degrees) and no driveway shall intersect any street at less than seventy-five (75) degrees.
18 Driveways at or near street intersections or driveways from other sites that cannot be aligned
19 shall be offset no less than one hundred fifty (150) feet from each other. In order for a driveway
20 to be offset less than one hundred fifty (150) feet the applicant shall demonstrate to the

D R A F T

5/15/07

1 satisfaction of the city traffic engineer that extraordinary need and/or circumstances exist such as
2 insufficient frontage width or existing natural features which preclude driveway installation.

3 i. Driveways serving major developments, as defined in this chapter, shall not be located closer
4 than three hundred (300) feet from the intersection of arterial and/or collector streets. The
5 petitioner must demonstrate hardship to the city traffic engineer or the city traffic engineer must
6 determine that special engineering design considerations exist for driveways serving major
7 developments to be located closer than three hundred (300) feet to the intersection of arterial
8 and/or collector streets.

9 (5) Specifications generally; costs for city-maintained roadways.

10 a. The public works department shall prepare, maintain and update a design manual which
11 provides design and construction specifications for driveways, curb cuts, curbs and other
12 pavement on city-maintained roadways and rights-of-way. The design manual shall be adopted
13 by administrative rule. In those instances where a party chooses to deviate from the design
14 manual, it shall be the responsibility of that party to demonstrate that the deviation is not
15 inconsistent with best engineering practice and the principles of this article.

16 b. All driveways shall be hard-surfaced in conformance with the standards and specifications
17 adopted by the city commission by resolution and on file in the office of the city engineer.

18 c. Driveways shall cross the sidewalk area at the sidewalk grade established by the city
19 engineer.

20 d. Driveways shall be constructed as nearly to a right angle to the street or roadway as possible.

D R A F T

5/15/07

1 e. Where special pedestrian and vehicular hazards may be encountered, driveways may be
2 restricted to a one-way operation. Proper signs giving notice to the restricted use of driveways
3 shall be erected and maintained by the person having control over the driveways. Failure to erect
4 such signs and failure to use such driveways in accordance with the proper signs shall be a
5 violation of this article.

6 f. All costs of any change proposed in any physical improvements originally installed by the
7 city and all costs of the installation of any driveway or necessary signing shall be borne by the
8 property owner.

9 g. All costs and responsibilities for maintenance and/or repair of any driveway or related
10 signing shall be borne by the property owner.

11 (6) Number and location of driveways. In order to maximize traffic safety and highway
12 capacity, provide reasonable ingress and egress to property, and adhere to the concepts of access
13 management as stated in Florida Statutes and regulated by the state department of transportation,
14 the number and location of driveways shall be regulated as follows:

15 a. One (1) driveway shall be permitted for ingress and egress to a lot, as such term is defined in
16 this chapter, except:

17 1. As approved in subsections (6)b. and c. of this section;

18 2. Joint-use driveways as approved by the development review board or city plan board under
19 development plan review in accordance with this chapter; or

D R A F T

5/15/07

- 1 3. Property zoned and in use for a detached single-family dwelling or two-family dwelling
2 abutting local streets as defined in subsection 30-187(c).
- 3 b. Two (2) driveways shall be permitted for ingress to and egress from a lot provided:
- 4 1. All other requirements of this article are met;
- 5 2. The minimum distance between the two (2) driveways equals or exceeds twenty (20) feet as
6 measured from inside edge to inside edge of the driveways at the property line; and
- 7 3. The applicant demonstrates to the city traffic engineer sufficient need, such as delivery of
8 emergency services, one-way driveway, physical features unique to the site, and/or
9 loading/unloading requirements, to justify two (2) driveways.
- 10 c. More than two (2) driveways shall be permitted for ingress and egress to a lot provided:
- 11 1. All other requirements of this article are met and exceptional circumstances exist which
12 cannot be mitigated, in the judgment of the city traffic engineer, unless more than two (2)
13 driveways are provided; or
- 14 2. Where the lot meets the following three (3) thresholds:
- 15 i. The lot exceeds ten (10) acres in total land area;
- 16 ii. The lot has more than one thousand (1,000) automobile parking spaces; and
- 17 iii. Whenever more than two (2) driveways are permitted, the minimum distance between
18 driveways meets or exceeds three hundred (300) feet as measured from centerline to centerline of
19 the driveways at the property line.

D R A F T

5/15/07

1 d. The number and location of driveways may be further regulated by special area plans as may
2 exist or be adopted in accordance with Article V of this chapter. These special area plans are
3 maintained on file in the department of community development.

4 e. The number and location of driveways on the state highway system are regulated by the state
5 under Chapters 14-96 and 14-97 F.A.C.

6 f. If development on any city street impacts the operation of any road on the state highway
7 system, the regulations set forth in Chapters 14-96 and 14-97 F.A.C. shall apply.

8 (7) Driveway types.

9 a. All driveways on the state highway system or on county-maintained streets shall meet the
10 relevant requirements of the appropriate governmental entity.

11 b. All driveways on city-maintained roadways shall be the standard ramp-type driveway
12 construction except that street-type entrances may be permitted from major thoroughfares into
13 the major entrances of planned shopping centers, large industrial developments, apartment
14 complexes and drive-in theaters that have parking areas for three hundred (300) or more
15 vehicles.

16 (8) Width of driveways having access to city-maintained roadways.

17 a. Ramp-type driveways.

18 1. The width of a ramp-type driveway shall be within the minimum and maximum limits as
19 specified below:

D R A F T

5/15/07

1 TABLE INSET:

Location	Minimum (feet)	Maximum (feet)
Single-family residential	10	24
Residential	12	30
All other uses:		
One-way	15	24
Two-way	24	40

- 2 2. All driveway widths shall be measured at the street right-of-way line.
- 3 3. For single-family residential driveways, the width of the curb opening shall not be less than
- 4 sixteen (16) feet measured from the outside edge to outside edge of the curb transition (T).
- 5 4. For all other ramp-type driveways the width of curb opening shall not exceed the driveway
- 6 width by more than three (3) feet on each side.
- 7 b. Street-type driveways. The width of street type driveways shall be within the minimum and
- 8 maximum limits as specified below.

9 TABLE INSET:

Location	Minimum (feet)	Maximum (feet)
Planned shopping centers, industrial developments, apartment complexes (with parking for 300 or more vehicles)	24	60

- 10 (9) Prohibited locations; installation of curb stops.
- 11 a. No driveway shall be constructed in the radius return of an intersection.

D R A F T

5/15/07

- 1 b. No driveway shall be constructed nearer than twenty-five (25) feet from the intersection of
2 street right-of-way lines.
- 3 c. All driveways shall be constructed with a minimum setback distance of five (5) feet from any
4 interior property line, and with a two-foot minimum offset from the property line at the roadway
5 connection. These offsets may be reduced for single-family residences at the recommendation of
6 the city traffic engineer.
- 7 d. To prevent vehicle overhang on private property in the vicinity of the driveway, parking
8 areas and loading areas, a six-inch raised curb and/or parking stops shall be constructed a
9 minimum distance of three (3) feet inside the street right-of-way line or property line.
- 10 e. No driveway shall be permitted to include any municipal facility such as traffic signal
11 standards, catchbasins, fire hydrants, utility poles, fire alarm supports or other similar type
12 structures.
- 13 f. To prevent parked vehicles from intruding or overhanging landscaped areas, sidewalks or
14 critical drainage retention areas, the city engineer and/or city traffic engineer may require the
15 construction of a six-inch raised curb and/or similar barrier to protect such areas.
- 16 (10) Work to be performed by bonded contractors; requirements of bond. All work of
17 removing any curb and building of any driveway shall be done by a licensed contractor having in
18 force a current contractor's bond in an amount equal to or greater than three (3) times the
19 estimated cost of the proposed work. This bond shall be for a period of three (3) years and shall

D R A F T

5/15/07

1 be renewed each year at the time the contractor obtains his/her business tax receipt ~~occupational~~
2 ~~license~~.

3 (11) Type of construction for driveways on city-maintained roadways.

4 a. All nonresidential driveways shall be constructed of six-inch thick concrete with steel
5 reinforced matting from the edge of the curb or pavement to at least the property line. The
6 driveway must extend a sufficient distance from the pavement so that the rise of the drive will be
7 at least six (6) inches above the level of the gutter or pavement with the minimum distance being
8 the property line.

9 b. Residential driveways shall be concrete as specified in subsection (11)a. of this section or
10 may be of type III asphalt, one and one-half (1 1/2) inches thick, depending on the existing
11 stormwater facilities, subject to review by the public works department.

12 c. Exceptions to the concrete requirement for nonresidential driveways may be made at the
13 discretion of the public works department.

14 (12) Minimum thickness of concrete; specifications for concrete. Concrete for the construction
15 of driveways shall meet the American Society for Testing Materials specifications for concrete
16 of two thousand five hundred (2,500) pounds compressive strength. Driveways shall be
17 constructed with two thousand five hundred (2,500) psi concrete either four (4) inches thick with
18 steel reinforcing matting or six (6) inches thick without steel reinforcing matting. All driveways
19 shall be constructed in accordance with the plans and specifications as per the public works
20 design manual.

D R A F T

5/15/07

1 (13) Alteration of existing driveways; unnecessary driveways.

2 a. Existing driveways shall not be relocated, altered or reconstructed without a permit
3 approving the relocation, alteration or reconstruction, and the driveways shall be subject to the
4 provisions of this article.

5 b. When the use of any driveway is changed, making any portion or all of a driveway
6 unnecessary, the owner of the abutting property shall, at his/her expense, replace all necessary
7 curbs, gutters, sidewalks and grass areas as per standards and specifications in the public works
8 design manual.

9 (14) Review and approval. All driveways hereafter constructed in the city on street rights-of-
10 way shall be reviewed and approved by the appropriate city department prior to the issuance of
11 any building permit for the erection, construction, reconstruction or change in the use of the
12 building, structure or land. This provision shall not apply to single-family residential zoned
13 property or for single-family uses.

14 (15) Variances for improvements on city-maintained roadways.

15 a. Definition. A variance is hereby defined as a relaxation of the terms of this article where the
16 variance will not be contrary to the public interest and where, owing to conditions peculiar to the
17 property, and not the result of the actions of the applicant, or his/her predecessors, a literal
18 enforcement of this article would result in unnecessary and undue hardship. As further defined
19 for the purpose of this article, a variance is authorized only for driveway widths, street line
20 corner clearances, and property line edge clearances. No variances shall be granted for roads on

D R A F T

5/15/07

1 the state highway system or county-maintained streets without prior written permission from the
2 state department of transportation or the county to authorize the activity requested in the variance
3 application.

4 b. Authorization. The board of adjustment created by section 30-354 is hereby authorized to
5 grant variances from the provisions of this article only under the provisions of this section. The
6 variance may be granted only when the granting of same will not be contrary to the public
7 interest, and where, owing to specific conditions, a literal enforcement of the provisions of this
8 article relating to driveways would result in unnecessary hardship, not created by the applicant.

9 c. Procedures. A variance as authorized by this section shall not be granted unless and until a
10 written application for a variance is submitted demonstrating that:

11 1. Special conditions and circumstances exist which are peculiar to the physical or
12 topographical features of the land or structures or buildings which are not applicable to other
13 lands or structures within the city.

14 2. Literal enforcement of the provisions of this article would deprive the applicant of rights
15 commonly enjoyed by other properties in the same district under the terms of this article.

16 3. The special conditions and circumstances in subsection (15)c.1. of this section do not result
17 from the action of the applicant or his/her predecessors;

18 4. Granting the variance requested will not confer on the applicant any special privilege that is
19 denied by this section to other lands or structures or buildings in the city.

D R A F T

5/15/07

- 1 d. Public hearings; notices. Public hearings and notices thereof shall be as required by
2 subsections 30-354(f), (i) and (l), and at the public hearing any party may appear in person or by
3 his/her duly authorized agent or attorney.
- 4 e. Findings of board of adjustment. Before granting a variance as authorized by this section, the
5 board of adjustment shall make the following findings:
- 6 1. That the requirements of subsection 30-354(d)(3)c.1. have been met by the applicant.
- 7 2. That the reasons set forth in the application justify the granting of the variance, and that the
8 variance is the minimum variance that will make possible the reasonable use of the land, building
9 or structure.
- 10 3. That the granting of the variance will be in harmony with the general intent and purpose of
11 this article, will not be injurious to the neighborhood, or otherwise detrimental to the public
12 welfare.
- 13 f. Conditions. In granting any variance, the board of adjustment may prescribe appropriate
14 conditions and safeguards in conformity with this article. Violation of such conditions and
15 safeguards, when made a part of the terms under which the variance is granted, shall be deemed
16 a violation of the zoning chapter and punishable under section 30-362.
- 17 g. Prohibitions. Under no circumstances shall the board of adjustment grant a variance under
18 this article that would permit back-out parking on a public street, or a driveway in a street radius,
19 reduce driveway width to permit two (2) or more nonstandard driveways, or reduce the number

D R A F T

5/15/07

1 of parking spaces required in the zoning requirements, or variances which would affect the safety
2 of a public street, sidewalk or bike route.

3 (16) Protection of public from injury. Whenever any person shall do or undertake to do any of
4 the things set forth in this article, it shall be the duty of the person to protect from harm and
5 damage all persons who may be using any street or sidewalk or other public place where such
6 activity is in progress and to that end the person shall erect and maintain suitable barricades,
7 sign, lights, flares and other appropriate warning devices at the proper locations where the work
8 is in progress in accordance with the current policy and regulations for street construction and
9 maintenance.

10 **Sec. 30-346. Nonconforming lots, uses or structures.**

11 (a) Intent. Within the districts established by this chapter there exist lots, structures and uses of
12 land or land and structures which were lawful before this chapter was adopted or amended but
13 which will be prohibited, regulated or restricted under the terms of this chapter. It is the intent of
14 this chapter to permit these nonconformities to continue until they are removed but not to
15 encourage their continuation. Except as otherwise provided, it is the further intent of this chapter
16 that nonconformities shall not be enlarged upon, expanded, intensified or extended nor be used
17 as a basis for adding other structures or uses prohibited within the district. Certain improvements
18 to nonconforming uses which:

19 (1) Do not involve increases in the size of structures or changes in the character of existing
20 uses;

D R A F T

5/15/07

1 (2) Are reasonably related to the continuation of those uses; and

2 (3) Will not have an adverse impact on the surrounding neighborhood and general public;

3 may be permitted subject to the requirements of this chapter. To avoid undue hardship, nothing
4 in this chapter shall be deemed to require a change in the plans, construction or designated use of
5 any building on which a building permit has been issued prior to the effective date of adoption or
6 amendment of this chapter. If actual substantial construction has not begun, under a permit
7 issued prior to the adoption or amendment of this chapter, within six months of the date of
8 issuance of the permit, such permit shall become invalid and shall not be renewed except in
9 conformity with this chapter.

10 (b) Nonconforming buildings or structures. Nonconforming principal buildings and structures
11 shall be made to comply with these regulations only after destruction which exceeds 80 percent
12 of its then physical value immediately prior to the time of destruction as determined by the
13 building official with substantial competent evidence. An existing nonconforming principal
14 building or structure may be maintained and repaired or may be added onto, remodeled or altered
15 provided that such addition, remodeling or alteration is in compliance with this chapter.
16 Provided, however, that, in the case of a single-family structure where the nonconformity is
17 created by an encroachment into a required yard setback, such nonconforming single-family
18 structure may be added onto or altered in such a way so as not to extend such addition further
19 into such required setback.

20 (c) Nonconforming lots.

D R A F T

5/15/07

1 (1) Combining lots. Where two or more nonconforming lots with continuous frontages are
2 under the same ownership or where a nonconforming lot has continuous frontage with a larger
3 tract under the same ownership, such lot or lots shall be combined to form one or more lots
4 meeting the requirements of the district in which they are located.

5 (2) Dwellings on nonconforming lots. The building official may issue a building permit for a
6 single-family dwelling on any nonconforming lot which is not substandard; provided that the
7 remedy set forth in subsection (c)(1) of this section cannot be complied with, that a single-family
8 dwelling is a permitted use in the district in which the lot is located, and that the district
9 minimum yard setbacks and building size limitations are met.

10 (3) Buildings on nonconforming or substandard lots. The board of adjustment may authorize
11 by special exception the issuance of a building permit for a building to be located on a
12 substandard or nonconforming lot, provided that the remedies set forth in subsection (c)(1) of
13 this section cannot be complied with and that the building use is permitted in the zoning district
14 in which the lot is located, as long as the board of adjustment finds that such building will not
15 create any condition detrimental to the safety, convenience and quiet possession of surrounding
16 properties and uses. The board of adjustment shall not authorize a multiple-family dwelling on a
17 substandard or nonconforming lot in any district in which a single-family dwelling is a permitted
18 use.

19 (d) Whenever a nonconforming use of land or of a building or other structure or any portion
20 thereof is abandoned or the use is discontinued for a continuous period of nine months or more,

D R A F T

5/15/07

1 such abandonment or discontinuance shall be presumed to constitute an intention to abandon or
2 discontinue such use, and such use shall no longer be permitted. Any subsequent use of such
3 building or structure or land shall be in conformity with the provisions of this chapter.

4 (1) No existing structure devoted to a use not permitted by this chapter in the district in which it
5 is located shall be enlarged, extended, constructed, reconstructed, remodeled, moved or
6 structurally altered except in changing the use of the structure to a use permitted in the district in
7 which it is located. The city plan board may allow, by special use permit, minor decorative,
8 functional or safety improvements to existing structures devoted to legal nonconforming uses.

9 Such improvements may not include:

10 a. An increase in floor area; or

11 b. Enclosures of previously unenclosed areas.

12 Improvements involving the installation of marquees, canopies or awnings must additionally
13 meet the requirements of Article IX, pertaining to signs, and subsection 30-338(3), relating to
14 overhanging and protruding projections. Signs on marquees, canopies or awnings are prohibited
15 in residential districts pursuant to section 30-318.

16 (2) If the use of a structure devoted to a use not permitted by this chapter in the district in which
17 it is located is changed, the use must be changed to one permitted in such district or to another
18 use of the same major group, as identified by the Standard Industrial Classification Manual.

19 (3) When nonconforming use status applies to a structure and premises in combination, removal
20 or destruction of the structure shall eliminate the nonconforming status of the land.

D R A F T

5/15/07

1 (4) There may be a change of tenant, ownership or management of a nonconforming use
2 provided there is no change in the nature or character of such nonconforming use.

3 (5) When a nonconforming use of a structure, or structure and premises in combination, is
4 discontinued, vacant, abandoned or not used for nine consecutive months, the structure, or
5 structure and premises in combination, shall not thereafter be used except in conformance with
6 the regulations of the district in which it is located; provided, the board of adjustment may permit
7 the reestablishment of the nonconforming use where it is determined by the board of adjustment
8 after public hearing that the design, construction and character of the building is not suitable for
9 uses permitted in the district in which such nonconforming use is situated. The board of
10 adjustment shall hold a public hearing on each case in question after giving ten days' public
11 notice of the time and place of such hearing, in order to determine the question of suitability of
12 uses permitted in the district in which such building is located. In no event shall the board of
13 adjustment permit a change to another nonconforming use except those of the same major group,
14 as identified by the Standard Industrial Classification Manual; nor shall it permit any structure to
15 be enlarged, extended, constructed, reconstructed, remodeled, moved or structurally altered for
16 any purpose other than changing the use of the structure to a use permitted in the district in
17 which it is located.

18 (6) The city plan board may allow, by special use permit, the installation of new signs or the
19 replacement of signs which conform to the requirements of Article IX, pertaining to signs, in all
20 districts, except those enumerated in Article IV under "Residential Districts" and the OR 20

D R A F T

5/15/07

1 units/acre office and residential district, provided all existing nonconforming signs on the
2 premises are removed.

3 (7) The development review board, through development plan review when applicable, or the
4 city manager or designee as applicable, may allow improvements to the premises of structures
5 devoted to legal nonconforming uses. Possible improvements may include but are not limited to
6 existing vehicular use areas, landscaping, drainage, lighting, and the provision of buffering and
7 screening along property boundaries. Proposed improvements must comply with the dimensional
8 and other requirements of adjacent zoning districts and otherwise comply with off-street parking
9 and loading and landscaping regulations applicable to new development to the maximum extent
10 possible within recognized site constraints. An applicant must additionally demonstrate with
11 competent substantial evidence the legality of the nonconforming use of the structure and
12 premises addressed in the application. Competent substantial evidence may include but is not
13 limited to historic aerial photographs, use and property records maintained by the city's business
14 tax occupational licensing and code enforcement departments, records maintained by the county
15 property appraiser's office, business records, and photographs that can be verified as to their date
16 and authenticity.

17 (e) Reserved.

18 (f) Expansion and renovation of nonconforming single-family and two-family uses and
19 structures.

D R A F T

5/15/07

1 (1) An existing nonconforming single-family or two-family use may be expanded or renovated

2 in accordance with the development standards for the zoning district in which it is located.

3 However, the use shall not be expanded or renovated to include any additional units.

4 (2) An existing nonconforming single-family or two-family building or structure may be

5 expanded or renovated in accordance with the provisions of section 30-346(b).

6 (g) Improvements to vehicular use areas associated with nonconforming uses. The city plan

7 board may allow by special use permit improvements to vehicular use areas associated with legal

8 nonconforming uses relating to size, location, design, landscaping, drainage, lighting, or

9 buffering and screening to protect neighboring land uses. Proposed improvements must comply

10 with the dimensional and other requirements applicable to new development to the maximum

11 extent possible with recognized site constraints. If a request is made to move a vehicular use

12 area, the applicant must additionally show that the relocation is needed to meet dimensional,

13 landscaping, drainage or buffering requirements. Paving or repaving of an existing vehicular use

14 area which utilizes a local street or alley for vehicle access or maneuvering may be allowed if the

15 city manager or designee determines traffic movement and circulation would not be endangered.

16 (h) Findings of fact required for issuance of special use permits relating to this section. Any

17 other provision of this section or this chapter notwithstanding, the city plan board must make the

18 following additional findings of fact before it may approve a special use permit under this

19 section:

D R A F T

5/15/07

1 (1) That the applicant has demonstrated with competent substantial evidence the legality of the
2 nonconforming use of the structure or structure and premises in combination addressed in the
3 application. Competent substantial evidence may include but is not limited to historic aerial
4 photographs, use and property records maintained by the city's business tax ~~occupational~~
5 ~~licensing~~ and code enforcement departments, records maintained by the county property
6 appraiser's office, business records, and photographs that can be certified as to their date and
7 authenticity;

8 (2) That the proposed improvements are reasonably related to the continuation of a
9 nonconforming use and associated facilities and will not result in an increase in the floor area of
10 structures, enclosure of previously unenclosed areas, a change in the existing character of a use
11 or detrimental impacts on surrounding uses and properties or the general public; and

12 (3) That the proposed improvements are in compliance with all other applicable regulations of
13 this chapter to the maximum extent practicable.

14 **Sec. 30-357. Zoning compliance permits.**

15 (a) Required. Except as otherwise specifically provided in this chapter, it shall be unlawful to
16 begin a new development, or an addition to an existing development, until the city manager or
17 his/her designee has issued for such action a zoning compliance permit, certifying that such
18 development complies with the applicable provisions of this chapter.

19 It shall also be unlawful to make a change of use, as the term is defined in section 30-23 of this
20 chapter, of any land or structure, or to extend any use or any lot on which exists a nonconforming

D R A F T

5/15/07

1 use, until the city manager or his/her designee has issued a zoning compliance permit certifying
2 that such intended uses comply with the applicable provisions of this chapter.

3 It shall also be unlawful to establish any business, profession or occupation, or to change the
4 location of a business, profession or occupation which is subject to a business occupational
5 ~~license~~ tax as provided for in sections 25-41 through 25-43 of the Code of Ordinances, until the
6 city manager or his/her designee has issued a zoning compliance permit certifying that such
7 intended business, profession or occupation complies with the applicable provisions of this
8 chapter.

9 (b) Procedures.

10 (1) Application submittal requirements. Applications for a zoning compliance permit shall be
11 submitted to the city manager or designee on a form supplied by the city. Applications shall be
12 accompanied by the appropriate fee so also prescribed.

13 In the case of an application involving development plan review, the applicant shall also submit
14 additional information as required by Article VII of this chapter. The city manager or designee
15 shall also prescribe any other material that may reasonably be required to determine compliance
16 with this chapter, with sufficient copies for necessary referrals and records. No application shall
17 be accepted by the city manager or designee unless it complies with such submittal requirements.
18 Applications which are not complete shall be returned to the applicant with a notation of the
19 deficiencies in the application.

D R A F T

5/15/07

1 Where a building permit, tree removal permit, sign permit or other permit is required,
2 applications for such permits may be made coincidentally with the application for a zoning
3 compliance permit.

4 (2) Action on application. Upon receipt of a completed application, the city manager or
5 designee shall cause an analysis to be made as expeditiously as possible by qualified
6 representatives of the city and such other agencies or officials as appear appropriate in the
7 circumstances of the case, to determine compliance with the applicable provisions of this
8 chapter. In the case of developments which do not meet the thresholds for minor development
9 plan review, the city manager or designee shall take final action on the application. Final action
10 shall be based on findings as to compliance with all applicable provisions of this chapter and
11 shall be one of the following;

- 12 a. Approval;
- 13 b. Approval subject to conditions; or
- 14 c. Denial.

15 The city manager or designee may impose such reasonable conditions on an approval as will
16 ensure compliance with applicable provisions of this chapter.

17 In the case of developments requiring development plan review, the development review board,
18 city plan board, technical review committee or city commission, as applicable, shall give
19 preliminary or final approval as prescribed in Article VII of this chapter.

D R A F T

5/15/07

1 (3) Actions subsequent to decision. In the case of approval or approval with conditions, the city
2 manager or designee shall issue the zoning compliance permit. In the case of denial of an
3 application, the applicant shall be notified as soon as possible, in writing, of the reasons for such
4 denial.

5 Where a building permit or sign permit is required, such permits shall not be issued prior to
6 issuance of the zoning compliance permit. Such permits shall comply with the approved zoning
7 compliance permits, including all conditions attached thereto.

8 A certificate of occupancy shall not be issued by the city manager or designee until, after final
9 inspection, full compliance with the provisions of this chapter and all other state and local laws,
10 including conditions of the zoning compliance permit and all other permits, has been determined.

11 (c) Expiration and revocation.

12 (1) Expiration. If the use, construction or activity authorized by approval of an application for a
13 zoning compliance permit is not commenced within six (6) months of the date of issuance of the
14 zoning compliance permit, or within such further time stipulated in such permit, the zoning
15 compliance permit shall automatically expire. Any other approval, grant, certificate, building
16 permit or special permit issued or granted by the city plan board, board of adjustment, city
17 commission, city manager, building official or other official pursuant to or in conjunction with
18 the zoning compliance permit shall become null and void unless any required work thereon is
19 substantially underway or lawful use has begun within six (6) months after the effective date of
20 the issuance of such approval, certificate, grant, building permit or special permit, unless

D R A F T

5/15/07

1 otherwise provided in this chapter. The city manager or designee shall determine whether the
2 use, construction or activity is substantially underway or has begun upon review of substantial
3 competent evidence.

4 (2) Revocation. If any conditions of a zoning compliance permit or other requirements of this
5 chapter applicable to the permit are violated, the city manager or designee may revoke the zoning
6 compliance permit after reasonable notice has been given to the permit holder.

7 The city manager or designee may reinstate a revoked zoning compliance permit if he/she
8 determines that:

9 a. The holder of a revoked zoning compliance permit submitted a request for reinstatement
10 within ninety (90) days of the revocation;

11 b. The violations that were the cause of the revocation have been corrected; and

12 c. The development fully complies with all conditions of the zoning compliance permit and all
13 applicable requirements of this chapter.

14 (d) Determination of zoning compliance for new industries. Any use or combination of uses
15 which cannot be classified by using a strict interpretation of the Standard Industrial
16 Classification (SIC) Code may be so classified by the city manager or designee by using the SIC
17 code to determine the most similar SIC classification or combination of classifications. The city
18 manager or designee may issue a zoning compliance permit when all of the following criteria are
19 met:

D R A F T

5/15/07

1 (1) The new use is suitable to the distinctions that have been made between the nature of the
2 various land use categories, i.e., office, neighborhood serving, community serving, highway-
3 oriented commercial, or industrial in character.

4 (2) The nature of the new use would not create a more intense usage of a property than that
5 would be caused by the majority of uses permitted in the district.

6 (3) A reasonable estimate of trip generation, using the Institute of Transportation Engineers,
7 Trip Generation, An Information Report, would be normal when compared to the number of trips
8 generated by the majority of uses within the district.

9 (4) The nature and amount of truck traffic would be normal when compared to the nature and
10 amount of truck traffic generated by other uses in the district.

11 (5) Special or atypical demands of the new use on public utilities and/or stormwater
12 management facilities would not lower the level of service of such facilities.

13 (6) Noise, glare, vibration, smoke or odor expected to result from the proposed use would be
14 similar to that resulting from the majority of uses permitted in the district.

15 **Section 14.** Appendix A, Schedule of Fees, Rates and Charges, Code of Ordinances of
16 the City of Gainesville, is hereby amended to read as follows:

17 **TAXATION:**

18 (1) Business tax receipt ~~Occupational license transfer to new owner~~ (§ 25-45(a))3.50

19 (2) Business tax receipt ~~Occupational license transfer to new location~~ (§ 25-45(b))3.50

D R A F T

5/15/07

1 **Section 15.** It is the intention of the City Commission that Sections 1 through 14 of this
2 ordinance shall become and be made a part of the Gainesville Code of Ordinances of the City of
3 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or
4 relettered in order to accomplish such intentions.

5 **Section 16.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
7 the validity of the remaining portions of this ordinance.

8 **Section 17.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 18.** This ordinance shall become effective immediately on adoption.

11 **PASSED AND ADOPTED** this ____ day of _____, 2007.

12
13
14
15
16

PEGEEN HANRAHAN
MAYOR

17 ATTEST

APPROVED AS TO FORM AND LEGALITY

18 _____
19 KURT M. LANNON
20 CLERK OF THE COMMISSION
21

MARION J. RADSON
CITY ATTORNEY

22 This Ordinance passed on first reading this ____ day of _____, 2007.

23 This Ordinance passed on second reading this ____ day of _____, 2007.