

**Application for approval of (check one)**  
**\*see definitions on reverse side of application**

- Seasonal Goods Sale
- Temporary Goods or Commodities Sale
- Outdoor Promotional Sale

This application must be submitted with all required attachments and a **\$50.00** application fee. No authorization will be granted until any business tax or regulatory fees have been paid. Make payment payable to the City of Palatka, 201 N. 2<sup>nd</sup> Street, Palatka FL 32177.

**FOR ADDITIONAL INFORMATION REGARDING THIS FORM, CALL (386)329-0103**

TO BE COMPLETED BY APPLICANT		
1. Property Address:	2. Parcel Number:	3. Current Property Use:
4. Lot size/acreage:	5. Number & types of structures on property:	6. Required Attachments (if applicable): <input type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization, if other than Property Owner** <input type="checkbox"/> Legal Description <input type="checkbox"/> Fees <input type="checkbox"/> Justification Statement*** <input type="checkbox"/> Verification of non-profit status
7. Closest Intersecting Streets:		
8. Non-Profit Status <input type="checkbox"/> Applicant is Non-Profit <input type="checkbox"/> Applicant is NOT Non-Profit		
9. Specific description of the type of sale (including type of goods to be sold, hours of operation, etc, can be included in attached narrative):   		
10. Property Owner Name: _____  Property Owner Address: _____  Phone Number: _____  Email Address: _____		

\*Site Plan to include the following elements, if applicable: placement of structure(s) on property, proposed vehicular and pedestrian access, parking, loading/unloading area, refuse area, signage, landscaping, screening, buffering and lighting. Plan should be legible and scaled. Preference is for 11 x 17 size.

\*\*Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.

\*\*\* Justification Statement that addresses procedures for review and conditional use criteria (see attached).

**TO BE COMPLETED BY APPLICANT (cont'd)**

11. Agent Name: \_\_\_\_\_  
 Agent Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

11. This application submitted by:

Signature of owner(s): \_\_\_\_\_  
 Print owner(s) names(s): \_\_\_\_\_  
 Signature of Agent(s): \_\_\_\_\_  
 Print Agent(s) names: \_\_\_\_\_

**STATE OF** \_\_\_\_\_

**County of** \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_ who executed the foregoing application and acknowledged to and before me that \_\_\_\_\_ executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

My commission expires: \_\_\_\_\_ State of \_\_\_\_\_ at Large

**FOR OFFICE USE ONLY\*\*\*\*\***

1. Date Submitted:	2. Received By:	3. Future Land Use Category:	4. Zoning Designation:	5. Preliminary review by:
6. Surrounding property owners notices sent:  Date:  By:	7. Attachments Reviewed: <input type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Regulatory Fee received <input type="checkbox"/> Business Tax Receipt applied for. <input type="checkbox"/> Findings			

**Procedures for review and approval.** *The planning director may approve the outdoor sale of certain goods and commodities which are strictly of a temporary nature in C-2 commercial zoning districts where sales of specific goods and commodities are included as permitted or accessory uses, provided the following conditions and requirements are met:*

(1) *Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned DB and DR, such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.*

(2) *No more than one use per location shall be issued in any given six-month period for seasonal and temporary-type sales, and no more than one use per location shall be issued in any given 90-day period of time for promotional sales.*

(3) *Application for a use under the provisions herein shall be reviewed by the planning director to ensure protection of the public health, safety, and general welfare, with public notice provided in the form of a letter to adjacent property owners within 150 feet. The planning director in considering outdoor sales requests, shall utilize conditional use criteria set forth in Sec. 94-3, with particular attention given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential. Appeals of unfavorable staff decisions shall be considered by the Planning Board utilizing the conditional use process.*

(4) *The vendor, merchant, or applicant shall be required to remit to the city, following approval of the outdoor sales use, a business regulatory fee, which shall be in addition to any occupational license previously applied for or issued by the city, or as required by the city for vendors or merchants operating within the city. The business regulatory fee shall be subject to the following:*

a. *The business regulatory fee shall be based on the real value of goods and commodities offered or displayed for sale, and shall be equal to one-half of one percent of the total real and just value of all goods and commodities offered or displayed, but in no instance shall the business regulatory fee exceed \$1,500.00 for any single sale.*

b. *Proof of real and just value shall be required to be provided to the city at the time of fee payment. Such proof shall be in the form of an invoice, bill of lading, or other reasonable verification of the actual value of goods and commodities offered for sale.*

c. *Non-profit and not-for-profit designated charitable or philanthropic organizations, possessing the appropriate Internal Revenue Service designations for corporations exempt from taxes, shall be exempt from the payment of the business regulatory fee, provided that each organization operating as a temporary vendor or merchant provide verification of the designation to the city. Such verification shall be provided prior to initiating the use.*

(5) *All applicable licenses, fees, and permits, including, but not limited to, special use, tent, and sign permits, shall be required as provided for within this Code. No provision within this section shall render any other section, article, or chapter of this Code as invalid.*

(d) *Penalties. Any merchant or vendor, offering for sale any good or commodity in the City of Palatka in violation of this section shall be guilty of a violation of this Code and punishable by fine or imprisonment, or both, not to exceed a \$500.00 fine and/or 60 days in the county jail. Additionally, any merchant or vendor, operating substantially in the same fashion, in whole or in part, who subsequently violates this section after an initial determination of a violation, occurring at any time following the adoption of this section, shall be subject to the revocation of, or denial of, occupational licenses within the city.*

(6) **Denial.** *If the Planning Director shall deny a conditional use, it shall be stated fully in the letter of application denial the reason(s) for doing so. Such reasons shall take into account the standards as stated in the findings section, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific use requested, if any.*

(7) *Appeals.* Action taken by the Planning Director to approve a use with appropriate conditions or safeguards or to deny a use shall be deemed final unless a request is filed with the Building department to be placed on the next regularly scheduled Planning Board agenda, requesting the Planning Board to review such decision.

(Ord. 13-03)

## **DEFINITIONS**

**Outdoor promotional sales** means a temporary sale, not to exceed 72 hours in duration, held outside of or away from a vendor's or merchant's normal business facility or location. Such sales may include those referred to as: "midnight madness", "truck sale", "tent sale", "sidewalk sale", "going out of business sale", "overstock sale", and similar promotions.

**Seasonal goods or commodities** means a temporary sale, not to exceed 45 days in duration, for the purpose of vending or selling goods or commodities relevant to the season, to include, but not be limited to, spring plant sales, Fourth of July fireworks sales, and Christmas tree sales.

**Special event sales** means a temporary sale held in conjunction with a parade, festival, or other such event, where the duration of the special event sale shall not exceed the specified period approved for the special event.

**Temporary goods or commodities** means a temporary sale, not to exceed 30 days in duration, for the purpose of vending or selling goods or commodities of a temporary nature, not in conjunction with a promotional, seasonal, or special event sale.

### **Conditional use criteria (used to evaluate request)**

- a. Compliance with all applicable elements of the comprehensive plan.
- b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
- e. Utilities, with reference to location, availability and compatibility.
- f. Screening and buffering, with reference to type, dimensions and character.
- g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
- h. Required yards and other open space.
- i. General compatibility with adjacent properties and other property in the district.
- j. Any special requirements set out in the schedule of district regulations for the particular use involved.
- k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.