

1. Ordinance 2024-12, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by including a zoning compliance requirement prior to the issuance of a Business Tax Receipt, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Ibis Berardi, Community & Economic Development Acting Director

**DATE:** April 4, 2024

**RE:** Ordinance 2024-12, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by including a zoning compliance requirement prior to the issuance of a Business Tax Receipt, final reading.

### **SUMMARY:**

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

Staff has prepared an amendment to Palm Bay Code of Ordinances, Chapter 110, Business Taxes, Tax Receipts, Receipts. Specifically, staff is proposing to amend Chapter 110 as follows:

§ 110.28 PREREQUISITE REQUIREMENTS BEFORE ISSUING BUSINESS TAX RECEIPT added reference of zoning compliance and deleted additional requirements.

### **REQUESTING DEPARTMENTS:**

Community & Economic Development

### **FISCAL IMPACT:**

There is no fiscal impact.

### **STAFF RECOMMENDATION:**

Motion to approve an Ordinance 2024-12 amending Chapter 110, Palm Bay Code of Ordinances, related to Business Taxes; Tax Receipts; Receipts.

### **ATTACHMENTS:**

1. Legal Opinion on BTR Exemption
2. Ordinance 2024-12

**From:** Michael Rodriguez <[Michael.Rodriguez@palmbayflorida.org](mailto:Michael.Rodriguez@palmbayflorida.org)>  
**Sent:** Tuesday, March 12, 2024 10:27 AM  
**To:** Nancy Bunt <[Nancy.Bunt@palmbayflorida.org](mailto:Nancy.Bunt@palmbayflorida.org)>; Rodney Edwards <[Rodney.Edwards@palmbayflorida.org](mailto:Rodney.Edwards@palmbayflorida.org)>  
**Cc:** Danielle Crotts <[Danielle.Crotts@palmbayflorida.org](mailto:Danielle.Crotts@palmbayflorida.org)>; Ibis Berardi <[Ibis.Berardi@palmbayflorida.org](mailto:Ibis.Berardi@palmbayflorida.org)>  
**Subject:** RE: Ordinance for 3-21-2024 BTR

I believe this ordinance falls under the exception in s.166.041(4)(c)1, Fla.Stat., "Ordinances required for compliance with federal or state law or regulation."

**From:** Nancy Bunt <[Nancy.Bunt@palmbayflorida.org](mailto:Nancy.Bunt@palmbayflorida.org)>  
**Sent:** Tuesday, March 12, 2024 9:11 AM  
**To:** Rodney Edwards <[Rodney.Edwards@palmbayflorida.org](mailto:Rodney.Edwards@palmbayflorida.org)>; Michael Rodriguez <[Michael.Rodriguez@palmbayflorida.org](mailto:Michael.Rodriguez@palmbayflorida.org)>  
**Cc:** Danielle Crotts <[Danielle.Crotts@palmbayflorida.org](mailto:Danielle.Crotts@palmbayflorida.org)>; Ibis Berardi <[Ibis.Berardi@palmbayflorida.org](mailto:Ibis.Berardi@palmbayflorida.org)>  
**Subject:** FW: Ordinance for 3-21-2024 BTR

Rodney: You approved the attached BTR ordinance, below is the only change. Joan has asked if this requires a Business Impact Estimate? Can you confirm whether I need to complete this for this change?  
Thanks, Nancy

#### § 110.28 PREREQUISITE REQUIREMENTS BEFORE ISSUING BUSINESS TAX RECEIPT.

(A) As a prerequisite to paying the business tax, each business entity shall state and set out the exact location at which such business shall be operated. Before initially issuing a business tax receipt it shall be the duty of the Community & Economic Development Department to ascertain <<zoning compliance and>>through various other city departments, and County and/or State licensing requirements that the use proposed is permitted at the location proposed. Failure to maintain such compliance will be cause for withdrawal of the business tax receipt. Notwithstanding the issuance of a business tax receipt, no business shall operate in a premises where building or fire code, or ordinance violations exist.

- BTR code revisions, first reading – Confirm with CAO/Michael Rodriguez is a Business Impact Estimate is required for this ordinance.



## ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XI, BUSINESS REGULATIONS, CHAPTER 110, BUSINESS TAXES, SUBCHAPTER 'BUSINESS TAXES; TAX RECEIPTS; RECEIPTS', BY INCLUDING A ZONING COMPLIANCE REQUIREMENT PRIOR TO THE ISSUANCE OF A BUSINESS TAX RECEIPT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XI, Business Regulations, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', Section 110.28, Prerequisite Requirements Before Issuing Business Tax Receipt, is hereby amended and shall henceforth read as follows:

**"Section 110.28 PREREQUISITE REQUIREMENTS BEFORE ISSUING BUSINESS TAX RECEIPT.**

(A) As a prerequisite to paying the business tax, each business entity shall state and set out the exact location at which such business shall be operated. Before initially issuing a business tax receipt it shall be the duty of the Community & Economic Development Department to ascertain ~~through various other city departments, and County and/or State licensing requirements that~~ >>zoning compliance and<< the use proposed is permitted at the location proposed. Failure to maintain such compliance will be cause for withdrawal of the business tax receipt. Notwithstanding the issuance of a business tax receipt, no business shall operate in a premises where building or fire code, or ordinance violations exist.

\* \* \*

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

**Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.**