

AGENDA

Public Hearings

Ordinance No. 2016-37

Resolution No.

First Reading:

First Public Hearing:
05/26/2016

Second Public Hearing:
06/09/2016

Final Action:

06/09/2016
05/26/2016 - Passed, motion
made by Councilman
Rinehart, seconded by
Councilman Holmes, vote
was 5-1, all members voting
"aye".

DATE OF MEETING: JUNE 9, 2016

AGENDA ITEM (Brief Description)

Ordinance No. 2016-37

DEPARTMENT SUMMARY: **COST OF PROJECT:** No cost associated with this item

Recently the Osceola County Landlord Association requested that the City of St. Cloud revise the manner that the Landlord Business Tax is assessed. Currently, it is assessed annually per property. Ordinance No. 2016-37 will revise the City Code to assess the Landlord Business Tax to each property owner annually regardless of the number of properties they own.

FINANCE DIRECTOR'S COMMENTS:

Recommended for approval.

PURCHASING MANAGER'S COMMENTS:

CITY MANAGER'S COMMENTS:

I recommend approval.

CITY COUNCIL ACTION:

06/09/2016

05/26/2016 - Passed, motion made by Councilman Rinehart, seconded by Councilman Holmes, vote was 5-1, all members voting, "aye".

ATTACHMENTS:

Description

Ordinance No. 2016-37

City Council Memo

RETURN TO:
CITY OF ST. CLOUD
DEPT OF PLANNING AND ZONING
1300 9th Street
ST. CLOUD, FL 34769

ORDINANCE NO. 2016-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA AMENDING THE CITY CODE OF THE CITY OF ST. CLOUD, FLORIDA TO INCLUDE CHAPTER 40, ARTICLE IV, SECTION 40-162. – LANDLORD, OWNER OF RENTAL PROPERTY (IES), AND SECTION 40-163. – SCHEDULE OF LOCAL BUSINESS TAX FEES, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ST. CLOUD, FLORIDA, as follows:

SECTION I

Chapter 40, Article IV, Section 40-162. – “Landlord, owner of rental property(ies)” of the City of St. Cloud Code is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

Any person or entity owning property ~~comprised of four rental units or less on one parcel~~ within the city limits of St. Cloud who rents or leases said property shall obtain a local business tax receipt ~~for each separate parcel~~. The local business tax fee will be ~~accessed~~ assessed by property owner ~~parcel and not the number of units on said parcel~~.

SECTION II

Chapter 40, Article IV, Section 40-163. – “Schedule of local business tax fees” is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

- (1) Beauty/barber shop—Minor..... \$56.28
- (2) Beauty/barber shop—Major..... 56.28
- (3) Contractor, state licensed..... 56.28
- (4) Contractor, not state licensed..... 56.28
- (5) Bar/lounge, no food..... 56.28
- (6) Bar/lounge, with food..... 56.28
- (7) Entertainment/recreation..... 56.28
- (8) Financial/lending..... 56.28
- (9) Food service..... 56.28
- (10) Gas station—Minor (gas only)..... 56.28
- (11) Gas station—Major..... 56.28
- (12) Healthcare professional..... 56.28
- (13) Healthcare facility—Minor..... 56.28
- (14) Healthcare facility—Major (w/ salon, gift shop)..... 56.28

- (15) Housing/lodging (over 4 units)..... 56.28
- (16) Industry..... 56.28
- (17) Insurance agent..... 56.28
- (18) Landlord (~~4 units or less~~) per rental location..... 35.16
- (19) Manufacturing..... 56.28
- (20) Professional..... 56.28
- (21) Professional establishment..... 56.28
- (22) Retail/wholesale—Minor (no state req.)..... 56.28
- (23) Retail/wholesale—Major (state lic.)..... 56.28
- (24) School/training/education..... 56.28
- (25) Seasonal sales (Christmas tree)..... 56.28
- (26) Service..... 56.28
- (27) Available
- (28) Warehouse, mini-warehouse, storage..... 56.28
- (29) Available
- (30) Utility..... 56.28
- (31) Vending/coin operated machine, per machine..... 14.07
- (32) Occupations not listed..... 56.28
- (33) Insurance company..... 56.28

SECTION III SEVERABILITY.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION III CONFLICTS.

This action supersedes all codes and ordinances of the City or parts of, in conflict with this ordinance, to the extent of the conflict.

SECTION IV CODIFICATION.

Sections I and II of this Ordinance shall be codified in the Land Development Code for the City of St. Cloud, Florida, separate and apart from the Code of St. Cloud. The codifier is authorized to make editorial changes not affecting the substance of this ordinance in the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise take such editorial license.

SECTION V SCRIVENER’S ERRORS.

The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener’s errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION VI EFFECTIVE DATE.

This ordinance has been published and shall take effect as provided by law for all Landlord Business Tax Receipts due on September 1, 2016 for the 2017 Business Tax Receipt Year.

FIRST READING ON THE 26TH DAY OF MAY, 2016

SECOND READING ON THE 9TH DAY OF JUNE, 2016

Rebecca Borders, Mayor

ATTEST:

Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:
de Beaubien, Knight, Simmons, Mantzaris & Neal

Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Manager, City of St. Cloud, 1300 9th Street, St. Cloud, Florida 34769.



PLANNING AND ZONING DEPARTMENT
1300 NINTH STREET, BUILDING A, FIRST FLOOR
ST. CLOUD, FLORIDA 34769
407-957-7255 FAX 407-957-7290

TO: Mayor Rebecca Borders and Members of the City Council

FROM: Planning & Zoning Department

DATE: May 13, 2016

SUBJECT: Ordinance No. 2016-37

Recently the Osceola County Landlord Association requested that the City of St. Cloud revise the manner that the Landlord Business Tax is assessed. Currently, it is assessed annually per property. Ordinance No. 2016-37 will revise the City Code to assess the Landlord Business Tax to each property owner annually regardless of the number of properties they own.

The manner that Management Companies are assessed will continue unchanged. Application fees and Certificate of Use Renewals are not revised by this ordinance.

The summary table below reflects the current amount collected by year in comparison to the amount that could have been collected if duplicate property owners that have paid the Landlord Business Tax Receipt are removed. Please note that these numbers are approximate.

Landlord Business Tax	Total amount collected including application and late fees etc	Total amount collected of full year tax amounts excluding application and late fees	Amount that would have been collected using only the full year amount (excluding application and late fees) when duplicate property owners names are removed	Difference	Total number Landlord Business Tax Receipts at full year amount only	Revised number of Landlord Business Tax Receipts when duplicate property owners names are removed
2016	\$ 82,474.39	\$ 74,293.08	\$ 47,998.67	\$ 26,294.41	2,113	1,340
**2015	\$ 78,264.68	\$ 62,830.92	\$ 40,877.14	\$ 21,953.78	1,787	1,073
2014	\$ 43,858.41	\$ 40,388.94	\$ 27,250.76	\$ 13,138.18	1,206	799
2013	\$ 42,629.76	\$ 39,082.83	\$ 27,714.44	\$ 11,368.39	1,167	822
2012	\$ 37,067.86	\$ 34,420.10	\$ 24,304.75	\$ 10,115.35	1,079	749
2011	\$ 36,249.02	\$ 34,547.70	\$ 24,515.65	\$ 10,032.05	1,083	762

** The number of Landlord Business Tax Receipts increased following the May 2014 initiative to reduce squatters through new utility connection requirement that a Landlord Business Tax Receipt is on file