

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

ORDINANCE NO. 11-73

**AN ORDINANCE OF THE CITY OF
 PALATKA, FLORIDA ADDING NEW
 SECTION 94-71 ZONING CODE TO
 PROVIDE VARIANCE CRITERIA;
 PROVIDING FOR SEVERABILITY AND
 PROVIDING AN EFFECTIVE DATE.**

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

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on August 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; and

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

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

Section 1. New Zoning Code Section 94-71 shall be added as follows.

Sec. 94-71. - Variance criteria.

Variations shall be considered for development standards only unless otherwise authorized in this chapter and other chapters of the Municipal Code. The following criteria shall be utilized in evaluating a requested variance.

- (1) Special conditions and circumstances exist such as size, shape, topography, or other unique features that are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same vicinity or zoning district; and
- (2) Such conditions and circumstances were not the result of the affirmative actions of the applicant and the applicant has acted in good faith; and
- (3) Granting of the variance request will not confer on the applicant any special privilege that is denied by the Municipal Code to other lands, buildings or structures in the same zoning district; and
- (4) Literal interpretation and enforcement of the applicable standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Municipal Code, and would work unnecessary and undue hardship on the applicant; and
- (5) No variance may be granted for a use of land or

building that is not permitted; and
(6) The variance shall be the minimum variance necessary to alleviate the hardship; and
(7) The variance would not cause substantial detriment to the public health, welfare, and safety of surrounding properties and community.

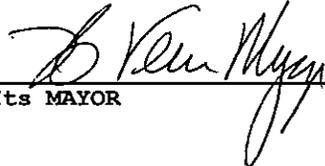
Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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

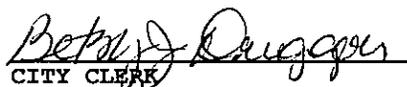
Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 10th day of November, 2011.

CITY OF PALATKA

BY: 
Its MAYOR

ATTEST:


CITY CLERK