

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

ORDINANCE NO. 11 - 65

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161, 94-162, AND 94-200 AND TO ADD NEW SECTION 94-201 TO ALLOW AS PERMITTED PRINCIPAL USE AND ACTIVITY IN THE DOWNTOWN BUSINESS AND DOWNTOWN RIVERFRONT ZONING DISTRICTS, REVISE DEFINITION OF FARMERS MARKETS, AND PROVIDE DEVELOPMENT AND OPERATIONAL STANDARDS FOR THIS USE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1.

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,

Section 2. The following sections of the Zoning Code of the City of Palatka, Florida are hereby amended in the following manner, with new language indicated by underlining and deleted language indicated by stricken text.

Section 94-161 (DR downtown riverfront district).

(b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only with the exception of items allowed on the sidewalk per section 70-1. Permitted principal uses, activities, and structures in the downtown riverfront district are as follows:

- (1) General retail establishments which include:
 - a. Antiques and collectibles.
 - b. Appliances.
 - c. Arcades.
 - d. Art.
 - e. Arts and crafts.
 - f. Auction houses.

- g. Bakeries (retail).
 - h. Bait and tackle shops.
 - i. Bicycle shops.
 - j. Billiard parlors and indoor recreation and amusement facilities.
 - k. Books and periodicals.
 - l. Cameras (including incidental repair) and photographic supplies.
 - m. Candy and confectionary shops.
 - n. Convenience stores without gas pumps.
 - o. Delicatessens.
 - p. Department and discount stores.
 - q. Electronics and appliances (including incidental repairs).
 - r. Farmer's markets, as defined and regulated by Section 94-201 of the Zoning Code
 - rs. Flowers and gifts.
 - st. Fish and seafood shops (retail).
 - tu. Furniture stores.
 - uv. Gifts.
 - wv. Gourmet shops.
 - wx. Grocery stores.
 - *y. Hardware stores.
 - yz. Health food shops.
 - zaa. Hobby shops.
 - aabb. Jewelers (including incidental repair).
 - bbcc. Leather goods and luggage.
 - eedd. Marine hardware and supplies shops.
 - deee. Mobile food vendors and push carts.
 - eeff. Musical instruments and supplies.
 - ffgg. Office equipment and furniture and supplies.
 - gghh. Pet stores.
 - hhii. Pharmaceuticals.
 - ijjj. Plant shops.
 - jjkk. Specialty foods.
 - *kll. Sporting goods.
 - lmmn. Sundries and notions.
 - nnnn. Wearing apparel.
 - nooo. Any retail establishment which incorporates any of the above.
- e. *Conditional uses, activities, or structures.* Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:
- (1) Car wash facilities.
 - (2) Colleges, vocational schools and preschools.
 - (3) Community production or movie theaters.
 - (4) Convention facilities.

(5) Dry cleaning and laundry retail service and self-service establishments.

(6) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.

~~(7) Farmers Market.~~

(~~7~~) Hotels and motels.

(~~8~~) Marinas, with or without fuel dispensing facilities.

(~~9~~) Multi-level parking facilities and commercial parking lots.

(~~10~~) Outdoor recreational activities (i.e.: watercraft rentals; rental of bicycles; rental of mopeds or scooters with a motor rated not in excess of two brake horsepower and displacement not to exceed 50 cubic centimeters; trolleys or carriages for hire).

(~~11~~) Outdoor amphitheaters and parks.

(~~12~~) Residential dwellings consisting of three or more units located above the first floor of a commercial use.

(~~13~~) The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

Section 94-162 (DB downtown business district).

(b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only with the exception of items allowed on the sidewalk per section 70-31. Permitted principal uses and structures in the downtown business (DB) district are as follows:

(1) General retail establishments which include the sale of:

- a. Antiques and collectibles.
- b. Appliances and electronics.
- c. Arcades.
- d. Art.
- e. Arts and crafts.
- f. Auction houses.
- g. Automotive parts (excluding repair and/or installation).
- h. Bakeries (retail).
- i. Bait and tackle shops.
- j. Bicycle shop.
- k. Billiards parlor and indoor recreation and amusement facilities.
- l. Books and periodicals.
- m. Cameras (including incidental repairs) and photographic supplies.
- n. Candy and confectionary shops.

- o. Convenience stores without gas pumps.
 - p. Delicatessens.
 - q. Department and discount stores.
 - r. Electronics and appliances (including incidental repairs).
 - r. Farmers market as defined and regulated by Section 94-201 of the Zoning Code.
 - ~~s~~. Flowers and gifts.
 - ~~t~~. Fish and seafood shops (retail).
 - ~~u~~. Furniture and home furnishing (new and used).
 - ~~v~~. Gifts.
 - ~~w~~. Gourmet shops.
 - ~~x~~. Grocery stores.
 - ~~y~~. Hardware.
 - ~~z~~. Health food shops.
 - zaa. Hobby shops.
 - aabb. Jewelers (including incidental repair).
 - bccc. Leather goods and luggage.
 - eddd. Marine hardware and supplies shops.
 - eeee. Mobile food vendors and push carts.
 - eeff. Musical instruments and supplies.
 - ffgg. Office equipment and furniture and supplies.
 - gghh. Pet stores.
 - iiii. Plant shops.
 - hjjj. Pharmaceuticals.
 - jkkk. Specialty and gourmet foods.
 - klll. Sporting goods.
 - lmmn. Sundries and notions.
 - mnnn. Toys.
 - nooo. Wearing apparel.
 - eopp. Any retail establishment which incorporates any of the above.
 - pqqq. Aquariums
- e. *Conditional uses, activities, or structures.* Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:
- (1) Car wash facilities.
 - (2) Colleges, vocational schools and preschools.
 - (3) Community production or movie theaters.
 - (4) Convention facilities.
 - (5) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.
 - ~~(6) Farmers Market.~~
 - (67) Fraternal organizations.
 - (78) Hotels and motels.
 - (89) Multi-level parking facilities and commercial parking lots.

~~(910)~~ Pawn shops

~~(1011)~~ Residential dwellings consisting of three or more units located above the first floor of a commercial use.

~~(1112)~~ The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

Section 94-200. - Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities ~~other than farmers markets.~~

(b) Definitions. For purposes of this section, the following definitions shall apply:

~~Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.~~

New Section 94-201 - Farmers markets

(a) Definitions. For purposes of this section, the following definitions shall apply:

Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition; arts and crafts, cottage foods including but not limited to breads, cakes, cookies, candies, jams, jellies, and fruit pies; house plants; eggs; herbs; nuts; fresh seafood; and prepared food; ~~provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee.~~ A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.

(b) Procedures for review and approval. The planning board may approve a conditional use for farmers markets provided the following conditions and requirements are met:

- (1) all commodities shall meet local and state requirements;
- (2) non-amplified live entertainment shall be allowed subject to the provisions of Section 30-101;
- (3) each produce vendor shall post a sign in a conspicuous location that lists the place of origin of their products;
- (4) the market shall be limited to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- (5) commodities must be sold from stalls and shall not be sold from vehicles;
- (6) market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- (7) produce and food must be on tables at least 36 inches from the ground;

(8) a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;

(9) nearby toilet facilities and parking are required;

(10) a manager shall be identified to coordinate and enforce standards;

(11) daily trash removal is required as well as trash removal bonds;

(12) violation of standards will result in disqualification of vendors; and

(13) a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at said location without obtaining an additional business tax receipt from the city.

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: *B. Veen Myer*
Its MAYOR

ATTEST:

Betsy J. Duggan
City Clerk