

This instrument prepared by:
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ORDINANCE NO. 10-08

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA MENDING THE OFFICIAL ZONING REGULATIONS OF THE CITY OF PALATKA, FLORIDA, BY AMENDING SECTION 94-141, M-1 LIGHT INDUSTRIAL DISTRICT CONDITIONAL USES, ACTIVITIES OR STRUCTURES TO ADD A SECTION ENTITLED PLANNED INDUSTRIAL DEVELOPMENTS; AND TO AMEND CHAPTER 94 TO ADD A NEW ARTICLE ENTITLED PLANNED INDUSTRIAL DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE,

WHEREAS, the City Commission of the City of Palatka, Florida, is authorized by Chapter 166, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers to protect the health, safety, and general welfare of its citizens and to prescribe fines and penalties for the violations of ordinances in accordance with law, and

WHEREAS, the City Commission has recognized the need to revise the zoning regulations for industrial zoning of the City of Palatka, and

WHEREAS, the City Commission desires to provide a means to encourage the development of land as planned developments, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment that would not be possible through the strict application of the minimum requirements of these regulations; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development costs; and provide a stable environmental character compatible with surrounding areas, and

WHEREAS, the Planning Board conducted a duly advertised public hearing on April 6, 2010, and recommended approval of the amendments to the conditional uses allowed in the M-1 zoning district to the City Commission, and

WHEREAS, the City Commission conducted duly advertised public hearings on March 25, 2010, April 8, 2010, and April 22, 2010,

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

Section 1. Section 94-151 M-1 LIGHT INDUSTRIAL ZONING DISTRICT

(a) *Intent.* The M-1 district is intended for light manufacturing, processing, storage and warehousing, wholesaling and distribution. Residential uses are prohibited as not in character with the activities conducted in this district. Service and commercial activities relating to the character of the district and in support of activities conducted in the district are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district is not to be deemed commercial in character. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial districts.

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the M-1 district are as follows:

- (1) Wholesaling, warehousing, storage or distribution establishments and similar uses.
- (2) Light manufacturing, processing (including food processing, but not slaughterhouse), packaging or fabricating in completely enclosed buildings.
- (3) Printing, lithographing, publishing or similar establishments.
- (4) Bulk storage yards, not including bulk storage of flammable liquids, subject to the provisions of the city or state fire codes.
- (5) Outdoor storage yards and lots; provided that such outdoor storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six feet high; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
- (6) Retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junkyards or automotive vehicle wrecking yards), heavy machinery and equipment, and farm equipment, and retail establishments for sale of farm supplies, lumber and building supplies, or monuments, and similar uses.
- (7) Service establishments catering to commerce and industry, including linen supply, freight movers, building trades contractors, communication services, business machine services, canteen services, restaurants (including drive-in restaurants), hiring and union halls, employment agencies, sign companies and similar uses.
- (8) Vocational, technical, trade or industrial schools and similar uses.
- (9) Medical clinics in connection only with industrial activities.
- (10) Miscellaneous uses such as express offices, telephone exchanges, commercial parking lots and parking garages, motorbus, truck, railroad or other transportation terminals, and related uses.
- (11) Radio and television stations and transmitters.
- (12) Railroad rights-of-way and sidings.

(c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the M-1 district are as follows: Uses, including retail sales, and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures; provided, however, that no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises or for owners or employees who will be quartered on the premises.

(d) *Prohibited uses and structures.* The following uses and structures are prohibited in the M-1 district: Any use or structure not specifically, provisionally or by reasonable

implication permitted in this section, including the following, which are listed for emphasis:

- (1) Dwelling units (including motels and hotels), except as provided under accessory uses.
- (2) Yards or lots for scrap or salvage operations or for processing, storage, display or sale of any scrap, salvage or secondhand building materials and automotive vehicle parts, including wrecking yards and junkyards.
- (3) Chemical and fertilizer manufacture.
- (4) Explosives manufacturing or storage.
- (5) Paper and pulp manufacture.
- (6) Petroleum refining.
- (7) Stockyards or feeding pens.
- (8) Slaughter of animals.
- (9) Tanneries, or the curing or storage of raw hides.
- (10) Roadside vending.

(e) *Conditional uses.* (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the M-1 district are as follows:

- (1) Automotive service stations and truckstops, provided that all structures, including underground storage tanks, are placed not less than 30 feet from any property line. Points of access and egress shall be located not less than 20 feet from the intersection of street lines.
- (2) Bulk storage of flammable liquids subject to the provisions of city or state fire codes.
- (3) Radio and television transmitting towers.
- (4) Temporary storage yards for materials to be recycled; provided such storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six feet high.
- (5) Any industrial use not specifically permitted or prohibited which is otherwise lawful.
- (6) Child care facilities.
- (7) Planned Industrial Developments (PID)

Section 2. An article entitled Planned Industrial Developments shall be added:

Planned Industrial Development District (PID)

A. Purpose: It is the purpose of this article to permit PID's which are intended to encourage the development of land as planned developments, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment that would not be possible through the strict application of the minimum requirements of these regulations; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development costs; and provide a stable environmental

character compatible with surrounding areas. This district is designed to accommodate a wide range of industrial uses while providing certainty to the public regarding permitted uses and site design. A written plan of development and a master plan detailing the potential uses of the site must be approved as part of any rezoning to PID. All subsequent development will be required to be consistent with the approved written plan of development and master plan.

B. Permitted Uses: Any use permitted in C-1A, C-1, C-2, C-3 or M-1 may be allowed; however, the specific proposed use(s) must be specifically listed as permitted in the written plan of development and the general location identified on the approved master plan.

C. Building height: No building or structure shall exceed forty-five (45) feet in height above the required minimum finished floor elevation.

D. Performance Standards:

1. Lot Coverage: The maximum combined area occupied by all principle and accessory structures shall not exceed seventy (70) percent of the total area. Also, the amount of impervious surface shall not exceed eighty (80) percent of the lot area.
2. All development must meet the following criteria:
 - a. The site must be two (2) acres or more in size.
 - b. The operation shall not utilize ingress and egress through any residential subdivision or residentially zoned land. Routes shall be chosen as to have the least impact on residential areas.
3. All development shall provide paved ingress/egress entrances from the right-of-way to all parking and shall pave all vehicular circulation on the site to reduce the impact of noise on the surrounding community.
4. All activity within two hundred (200) feet of a residential district boundary shall be conducted within completely enclosed buildings. All storage within two hundred (200) feet of a residential district boundary may be outdoors but shall be effectively screened by a solid wall, fence or planting so that the materials shall not be visible from the residential district. This requirement shall not apply to outside storage of aircraft.
5. Tree protection, landscaping and buffering shall comply with the provisions of Article VI of the City Municipal Code.
6. *Setbacks along collector or arterial roads:* The minimum required building setback along a collector or arterial road shall be as follows:
 - a. Along a collector road, the minimum required building setback shall be twenty-five (25) feet.
 - b. Along an arterial road, the minimum required building setback shall be fifty (50) feet.
7. Waterfront setback: A minimum 50 ft. setback from the waterfront is required for all new construction along the St. Johns River

If any other setback requirement of this Code conflicts with the above requirements, the more restrictive requirement will apply.

E. Procedure for Approval of a Planned Industrial Development: The procedure for obtaining approval for a Planned Industrial Development shall be as follows:

1. Preliminary Planned Industrial Development and Master Plan Approval: The applicant shall submit to the Planning Director, an application for the approval of the Planned Industrial Development and shall submit the following exhibits at the same time.
 - a. A written plan of development describing the general purpose and character of the proposed development including:

- i. Total gross acreage.
- ii. Total square footage of buildings.
- iii. All building setbacks.
- iv. Permitted accessory uses and structures.
- v. General location and total amount of open space including wetland preservation and upland buffers.
- vi. Total amount of passive recreation space.
- vii. Maximum building coverage and impervious surface coverage.
- viii. Maximum height of structures.
- ix. Points of ingress and egress and vehicular and non-vehicular circulation
- x. Requirements for landscaping and buffering.
- xi. Proposed signage.
- xii. A description of the type and location of infrastructure needed to serve the project such as water, sewer, stormwater management facilities, fire protection, solid waste collection, and roadway improvements.
- xiii. A phasing schedule including commencement and completion dates.

b. A Vicinity Map showing the location of the proposed Planned Development.

c. A legal description of the property.

d. A Topographic survey. The most recent U.S.G.S. topographic survey may be utilized if no better topographic information is available

e. Aerial photograph of the subject property.

f. A Master Plan, drawn at a scale suitable for presentation, showing and/or describing the following:

- (1) General Location of Proposed Land Uses;
- (2) General layout of internal street system and any necessary off-site road improvements such as turn lanes;
- (3) Building Setbacks: Proposed building setbacks shall be noted and shall define the distance buildings will be setback from:
 - (a) Surrounding property lines.
 - (b) Proposed and existing streets and highways.
 - (c) Other proposed buildings.
 - (d) The high water line of lakes, rivers, streams, and canals.
 - (e) Other man-made or natural features which would be affected by development.
- (4) Proposed Maximum Height of Buildings
- (5) Open Spaces:
 - (a) Natural areas to be conserved/preserved.
- (6) Points of Ingress and egress and connectivity to adjoining properties and uses, if applicable;
- (7) Screening, Buffering and Landscaped Areas;

F. Processing the PID: The PID rezoning application will be reviewed as any other rezoning application prior to scheduling the rezoning application for public hearing. Staff comments related to the PID Master Plan must be addressed prior to processing the rezoning application.

G. Action by Planning Board. After a public hearing, the Planning Board may recommend to the city commission that the planned industrial development request be granted, be granted subject to stated stipulations and conditions, or be disapproved. In making its recommendation, the Planning Board shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of the Municipal Code and in addition that:

- (1) The tract for the proposed planned industrial development is suitable in terms of its relationship to the comprehensive plan and that the area surrounding the proposed

planned industrial development can continue to be developed in coordination and substantial compatibility with the planned industrial development proposed.

(2) The requested planned industrial development meets the regulations set forth in this Article, based on the design and amenities incorporated in the site development plan.

H. Binding nature of approval. All terms, conditions, safeguards and stipulations made at the time of approval for planned industrial development shall be binding upon the applicant or any successors in interest. Deviations from approved plans not approved as a minor or substantial change as set forth in this ordinance or failure to comply with any requirement, condition or safeguard shall constitute a violation of these zoning regulations.

I. Revision of an Approved PID: Any proposed major change in the approved PID Master Plan which affects the intent and character of the development, permitted use, density or land use pattern, or similar substantial changes, shall be reviewed in the same manner as the initial PID Master Plan approval. A request for a revision of the PID Master Plan shall be supported by a written statement and by revised plans demonstrating why the revisions are necessary or desirable.

Minor changes, and/or deviations from the PID master plan, which do not affect the Intent or character of the development, shall be reviewed and identified by the Planning Director and administratively approved by the same. Upon approval of the revisions, the applicant shall make revisions to the plans and submittals and file with the Planning Director.

Examples of substantial and/or minor changes are:

Substantial changes:

- Permitted uses;
- Perimeter changes;
- Major street relocation;
- Change in building height, density, or land use pattern.

Minor changes:

- Change in alignment, location, direction, or length of a local street;
- Reorientation or slight shifts in building locations.

J. Building Permits: No building permit shall be issued for any portion of a proposed Planned Development until the Final PID Site Plan has been approved.

K. Final PID Site Plan: If approval for the PID is granted, the applicant shall submit to the Planning Director a Final PID Site Plan covering all or that part of the approved PID Master Plan upon which construction is to begin, at least 60 days prior to the commencement of construction.

L. Identification of district on official zoning map

The boundaries of all land approved for development as a planned industrial development shall, after such approval, be indicated on the official zoning map, and the appropriate zoning district designation, together with the symbol "PID," shall be indicated therein. (e.g., M-1/PID)

M. Time limit for commencement of construction; lapse of approval.

If construction has not been commenced, as determined by the Planning Director or as described in the PID, within five (5) years after approval of the PID or if the applicant fails to maintain the approved development plan phasing schedule, the approval of the development plan shall lapse and be of no further effect.

