

This instrument prepared by:
Jim Lee
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 09-09

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE OFFICIAL ZONING REGULATIONS OF THE CITY OF PALATKA, FLORIDA, BY AMENDING SECTION 94-161 DOWNTOWN RIVERFRONT DISTRICT AND SECTION 94-162 DOWNTOWN BUSINESS DISTRICT TO ALLOW ADDITIONAL PERMITTED PRINCIPAL USES, ACTIVITIES, AND STRUCTURES, PERMITTED ACCESSORY USES, ACTIVITIES, AND STRUCTURES, CONDITIONAL USES, ACTIVITIES, OR STRUCTURES, CONDITIONAL ACCESSORY USES, ACTIVITIES OR STRUCTURES, AND OFF-STREET PARKING AND LOADING, AND AMENDING SECTION 94-262 REQUIRED NUMBER OF PARKING SPACES, 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 in the downtown area of the City of Palatka, and

WHEREAS, the City Commission desires to provide a stimulus to downtown by increasing the uses allowed in the two downtown zoning districts, and

WHEREAS, the Planning Board conducted a duly advertised public hearing on March 3, 2009, and recommended approval of the amendments to the uses allowed in the Downtown Riverfront and Downtown Business zoning districts and parking requirements to the City Commission, and

WHEREAS, the City Commission conducted duly advertised public hearings on April 9, 2009, and April 23, 2009, and

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

Section 1. Section 94-161 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. 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. Flowers and gifts.
- s. Fish and seafood shops(retail).
- t. Furniture stores.
- u. Gifts.
- v. Gourmet shops.
- w. Grocery stores.
- x. Hardware stores.
- y. Health food shops.
- z. Hobby shops.
- aa. Jewelers (including incidental repair).
- bb. Leather goods and luggage.
- cc. Marine hardware and supplies shops.
- dd. Mobile food vendors and push carts.
- ee. Musical instruments and supplies.
- ff. Office equipment and furniture and supplies.
- gg. Pet stores.
- hh. Pharmaceuticals.
- ii. Plant shops.
- jj. Specialty foods.
- kk. Sporting goods.
- ll. Sundries and notions.
- mm. Wearing apparel.
- nn. Any retail establishment which incorporates any of the above.

(2) General service establishments shall include:

- a. Aquariums.
- b. Barbershops and beauty shops.
- c. Bars, nightclubs, or taverns(See Chapter 10).
- d. Coffee shops.
- e. Copy, mailbox, or shipping shops.
- f. Dance studios.
- g. Fitness centers.
- h. Fraternal organizations.
- i. Health spas.
- j. Interior designer studios.
- k. Job printing.
- l. Martial arts or comparable physical activities studios.
- m. Museums and galleries.
- n. Package liquor stores without drive-through facilities. (See Chapter 10)
- o. Photographic studios.
- p. Restaurants with or without drive-in facilities, but without drive-through facilities.
- q. Shoe Repair shops.
- r. Tailor shops.
- s. Travel agencies.
- t. Trophy and awards sales and assembly.
- u. Upholstery and reupholstery shops.

(3) Professional establishments shall include:

- a. Architectural and related services.
- b. Attorney offices.
- c. Business offices.
- d. Dental offices.
- e. Financial offices without drive-through facilities.
- f. General professional services.

- g. Investment offices.
- h. Medical offices.
- i. Real estate offices and related services.
- j. Surveyors offices.

(4) Houses of worship and accessory facilities.

(5) Residential uses shall be as follows:

- a. Residential dwellings existing prior to May 1, 2003.
- b. New (after May 1, 2003) residential dwelling units consisting of two or less units located above the first floor of a commercial use.
- c. New (after May 1, 2003) residential dwelling units consisting of three or more units located above the first floor of a commercial use allowed as a conditional use only. (See also subsection (e) of this section)

(6) Government uses, activities, and structures.

(c) Permitted accessory uses, activities, and structures.

Permitted accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted accessory uses, activities, and structures are as follows:

- (1) Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.
- (2) Boat repair and sales as an integral part of a marina
- (3) Laundry facilities as an integral part of a hotel or marina.
- (4) Outside sale and display of goods at city approved functions and events.
- (5) Warehousing and/or storage completely enclosed within the principal building.

(d) Prohibited uses, activities, and structures. In addition to the expressly prohibited uses, activities, and structures listed herein, any uses, activities, or structures not specifically listed shall be prohibited. Prohibited uses, activities, and structures are as follows:

- (1) Adult entertainment establishments, uses, and activities (as defined and regulated by chapter 3 of the Municipal Code).
- (2) Communication towers.
- (3) Drive-through facilities.
- (4) Manufacturing, fabrication, and assembly activities, except as a conditional accessory use.
- (5) Outside sale, display, rental, or storage of construction equipment, rental trucks and trailers.
- (6) Residential dwellings on the first floor constructed or converted after May 1, 2003.
- (7) Roadside vending.
- (8) Rooming and boarding houses.
- (9) Warehousing and/or storage, except as an accessory use.

(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.
- (8) Hotels and motels.
- (9) Marinas, with or without fuel dispensing facilities.
- (10) Multi-level parking facilities and commercial parking lots.
- (11) 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).
- (12) Outdoor amphitheatres and parks.
- (13) Residential dwellings consisting of three or more units located above the first floor of a commercial use.
- (14) 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.

(f) Conditional accessory uses, activities, or structures.

Permitted conditional accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted conditional accessory uses, activities, and structures are as follows:

- (1) Child care facilities.
- (2) Making of goods for sale at retail on the premises.
- (3) Manufacturing, fabrication, and assembly activities.
- (4) Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.
- (5) Wall graphics.

(g) Development standards. Architectural and aesthetic appearance shall be maintained and compatible with the unique historic character downtown.

- (1) For commercial uses:
 - a. Maximum density: Not applicable.
 - b. Minimum lot area: Unrestricted.
 - c. Minimum lot width: 25 feet.
 - d. Minimum lot coverage: Not applicable.
 - e. Maximum building or structure height: 60 feet
 1. Front: 0 feet.
 2. Side: 0 feet.
 3. Rear: 0 feet.

(2) For residential uses: All new (after May 1, 2003) residential uses shall be above the first floor as secondary to a permitted use and shall be complete residential dwelling units as defined by the Florida Building Code and shall be regulated as to size by the following:

- a. Efficiency/one bedroom: 500 total square feet.
- b. Two bedroom: 650 total square feet.
- c. Three bedroom: 800 total square feet.
- d. Each additional bedroom: add 150 total square feet.
- e. Maximum building or structure height: 60 feet.
- f. Maximum Density: Unrestricted.

(i) Off-street parking and loading. (See also section 94-262 of article V.) Parking requirements are as follows:

- (1) Residential: One space per dwelling unit.

Section 2. Section 94-162 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. 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).
- s. Fish and seafood markets(retail).
- t. Flowers and gifts.
- u. Furniture and home furnishings(new and used).
- v. Gifts.
- w. Gourmet Shops.
- x. Grocery stores.
- y. Hardware.
- z. Health food shops.
- aa. Hobby shops.
- bb. Jewelry (including incidental repair).
- cc. Leather goods and luggage.
- dd. Marine hardware and supplies.
- ee. Mobile food vendors and pushcarts.
- ff. Musical instruments including instruction.
- gg. Office equipment, furniture, and supplies.
- hh. Pet stores.
- ii. Plant shops.
- jj. Pharmaceuticals.
- kk. Specialty and gourmet foods.
- ll. Sporting goods.
- mm. Sundries and notions.
- nn. Toys.
- oo. Wearing apparel.
- pp. Any retail establishment which incorporates any of the above.

(2) General service establishments shall include:

- a. Aquariums.
- b. Barbershops and beauty shops.
- c. Bars, nightclubs, or taverns. (See Chapter 10)
- d. Coffee shops.
- e. Copy shops, mailbox and shipping stores.
- f. Dance and music studios.
- g. Fitness centers.
- h. Fraternal organizations.
- i. Funeral homes.
- j. Health spas.
- k. Interior designers and decorators.
- l. Job printing.
- m. Martial arts or comparable physical activities.
- n. Museums and galleries
- o. Package liquor stores without drive-through facilities.

- p. Pet grooming without overnight boarding.
- q. Photographic studios.
- r. Restaurants with or without drive-in facilities, but without drive-through facilities.
- s. Shoe repair shops.
- t. Tailor shops.
- u. Travel agencies.
- v. Trophy and awards sales and assembly.
- w. Upholstery and reupholstery shops.

(3) Professional establishments shall include:

- a. Architects and related services.
- b. Attorney offices.
- c. Business offices.
- d. Dental offices.
- e. Financial offices without drive-through facilities.
- f. General professional services.
- g. Investment Offices.
- h. Medical offices.
- i. Real estate offices and related services.
- j. Surveyors offices.

(4) Houses of worship and accessory facilities.

(5) Residential uses shall be as follows:

- a. Residential dwellings existing prior to May 1, 2003.
- b. New (after May 1, 2003) residential dwelling units consisting of two or less units located above the first floor of a commercial use.
- c. New (after May 1, 2003) residential dwelling units consisting of three or more units located above the first floor of a commercial use allowed as a conditional use only (See also subsection (e) of this section).
- d. Owner or employee occupied residence located on the first floor and accessible through a rear entrance or through the main entrance of the permitted principal use as a conditional accessory use only.

(6) Government uses, activities, and structures.

(c) Permitted accessory uses, activities, and structures.

Permitted accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted accessory uses, activities, and structures are as follows:

- (1) Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.
- (2) Laundry and dry cleaning facilities.
- (3) Making of goods as a course of instruction.
- (4) Outside sale and display of goods at city approved functions and events.
- (5) Warehousing and/or storage completely enclosed within the principal building.

(d) Prohibited uses, activities, and structures.

In addition to the expressly prohibited uses, activities, and structures listed herein, any uses, activities, or structures not listed are not permitted. Prohibited uses, activities, and structures are as follows:

- (1) Adult entertainment establishments, uses, and activities (as defined and regulated by chapter 3 of the Municipal Code).
- (2) Communication towers.
- (3) Manufacturing, fabrication, and assembly activities,

- except as a conditional accessory use.
- (4) Outside sale, display, rental, or storage of construction equipment, rental trucks and trailers.
- (5) Residential dwellings on the first floor constructed or converted after May 1, 2003.
- (6) Roadside vending.
- (7) Rooming and boarding houses.
- (8) Warehousing and/or storage, except as an accessory use.

(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 Markets.
- (7) Fraternal organizations.
- (8) Hotels and motels.
- (9) Multi-level parking facilities and commercial parking lots.
- (10) Pawn shops.
- (11) Residential dwellings consisting of three or more units located above the first floor of a commercial use.
- (12) 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.

(f) Conditional accessory uses, activities, or structures.

Permitted conditional accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted conditional accessory uses, activities, and structures are as follows:

- (1) Child care facilities.
- (2) Drive-through facilities.
- (3) Making of goods for sale at retail on the premises.
- (4) Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.
- (5) Owner or employee occupied residence located on the first floor and accessible through a rear entrance or through the main entrance of the permitted principal use as a conditional accessory use only.
- (6) Wall graphics.

(g) Development standards. Architectural and aesthetic appearance shall be maintained and compatible with the historic character downtown.

(1) For commercial uses:

- a. Maximum density: Not applicable.
- b. Minimum lot area: Unrestricted.
- c. Minimum lot width: 25 feet.
- d. Minimum lot coverage: Not applicable.
- e. Maximum building or structure height: 60 feet
- f. Minimum yards.
 - 1. Front: 0 feet.
 - 2. Side: 0 feet.
 - 3. Rear: 0 feet.

(2) For residential uses: All new (after May 1, 2003)

residential uses shall be above the first floor as secondary to a permitted use and shall be complete residential dwelling units as defined by the Florida Building Code and shall be regulated as to size by the following:

- a. Efficiency/one bedroom: 500 total square feet.
- b. Two bedroom: 650 total square feet.
- c. Three bedroom: 800 total square feet.
- d. Each additional bedroom: add 150 total square feet.
- e. Maximum building or structure height: 60 feet
- f. Maximum Density: Unrestricted.

(i) **Off-street parking and loading.** (See also section 94-262 of article V.) Parking requirements are as follows:

- (1) Residential: One space per dwelling unit. .

Section 3.

Sec. 94-262. Required number of parking spaces.

(a) For all districts except DB and DR, off-street parking requirements are as follows:

(b) For uses in the DB and DR districts, off-street parking requirements are as follows:

- (1) Residential dwellings: One space per dwelling unit.

Section 4. Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and shall not affect the validity of the remaining portion.

Section 5. This Ordinance shall become effective upon passage as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 23rd day of April, 2009.

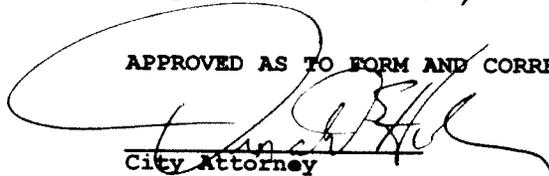
CITY OF PALATKA

BY: 
Its Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM AND CORRECTNESS:


City Attorney