

**TERRILL L. HILL**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**RUFUS J. BOROM**  
COMMISSIONER

**JUSTIN R. CAMPBELL**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



# CITY of Palatka FLORIDA

*Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.*

**TERRY K. SUGGS**  
CITY MANAGER

**BETSY JORDAN DRIGGERS**  
CITY CLERK

**MATTHEW D. REYNOLDS**  
FINANCE DIRECTOR

**JAMES A. GRIFFITH**  
INTERIM CHIEF OF POLICE

**MICHAEL LAMBERT**  
CHIEF FIRE DEPT.

**DONALD E. HOLMES**  
CITY ATTORNEY

## AGENDA CITY OF PALATKA October 22, 2015

### CALL TO ORDER: (See *Special Agenda – Cadets in Government*)

- a. Roll Call

### APPROVAL OF MINUTES – 10/8/15 Regular Meeting; 10/14/15 Workshop

### 1. PUBLIC RECOGNITION/PRESENTATIONS

- a. PROCLAMATION - City Government Week – October 18 - 4, 2015
- b. PROCLAMATION – Red Ribbon Week – Oct.23 thru 31 – Beverly Baird and Kaitlyn Miller, PHS
- c. PROCLAMATION – World Pancreatic Cancer Day – Nov. 13, 2015 – Schanna Bodkin, Survivor
- d. PROCLAMATIONS - National Hospice and Palliative Care Month (Nov. 2015) and Children's Grief Awareness Day – November 19, 2015 - Rodney Phillips, Hospice of Citrus and the Nature Coast
- e. CITIZENSHIP AWARDS – Palatka High School JROTC "Cadets in Government" Participants
- f. STUDENT OF THE MONTH – October, 2015 – Mayor Hill & Commissioner Borom

Caitlyn Mayberry	Browning-Pearce Elementary
Kody Byrd	C. L. Overturf, Jr. 6 <sup>th</sup> Grade Center
Jennah West	Children's Reading Center Charter School
Ansley Hall	E. H. Miller School
Davion Appling	James A. Long Elementary School
Brionna Baldwin	Jenkins Middle School
Jaydon Teuton	Kelley Smith Elementary School (October Honoree)
Mason Jones	Mellon Elementary School
Lillian Dockery	Moseley Elementary School
Molly Williams	Palatka High School
Jonathan Rodriguez	Peniel Baptist Academy
Landrum Watts	Putnam Academy of Arts & Sciences
Zoe Peters	Putnam EDGE High School

### 2. PUBLIC COMMENTS – (limited to 3 minutes – no action will be taken on topics of discussion)

### 3. CONSENT AGENDA

- \*a. Adopt Resolution No, 2015-11-72 authorizing the execution of a Polling Location Agreement with the Putnam County Supervisor of Elections for use of the Price-Martin Community Center for 2016 Elections & Training
- \*b. Adopt Resolution No. 2015-11-73 requesting a waiver in permit fees from St. Johns River Water Management District for FY 2015/16
- \*c. Adopt Resolution No. 205-11-74 authorizing the execution of a Grant Administration Contract with Fred Fox & Associates in the amount of \$5,000 for FRDAP Project #A16072 - Riverfront Park Phase I
- \*d. Approve Request items for Special Events Permit #15-44 – Palatka Pride Fall Festival to be held October 31, 2015 from 8:00 a.m. to 2:00 p.m. – Palatka Pride/PPD Officer Mylinh Reeves, Applicant
  1. Grant permission to waive the Class B Application Deadline (60 days prior to event)
  2. Grant permission to exceed allowable noise levels throughout duration of event
  3. Allow closure of S. 14<sup>th</sup> Street from Crill Ave to Diana Drive during event

### \* 4. PRESENTATION – Sea Level Rise: New, Certain and Everywhere – Robert Vornstein, PhD

201 N. 2ND STREET • PALATKA, FLORIDA 32177

PHONE: (386) 329-0100

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- \* 5. **RESOLUTION** - Fire Assessment Fee – authorizing execution of Letter Agreement on Final Invoice, Work Order 2015-2 (Direct Billing) and Work Order 2015-3 (Transition to Uniform Collection Method and subsequent annual assistance for two years) - Adopt
- \* 6. **RESOLUTION** authorizing the submission of a USDA Community Facilities Grant Application for the Palatka Gas Authority Hastings Extension - Adopt

**PUBLIC HEARINGS**

- \* 7. **PUBLIC HEARING:** 163 Comfort Road - Planning Board Recommendation to Annex, assign residential land use rezone from Putnam County IH (Industrial Heavy) to City R-1A (Single-Family Residential) - Pumpcrete America, Inc., Owner; Palatka Building & Zoning Dept., Applicant.
  - \*a. **ANNEXATION ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
  - \*b. **FUTURE LAND USE AMENDMENT ORDINANCE** - adopt
  - \*c. **REZONING ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
- \* 8. **PUBLIC HEARING:** 276 N US 17 - Planning Board Recommendation to Annex, assign commercial land use and rezone from Putnam County IH (Industrial Heavy) to City C-2 (Commercial Intensive) - Beck/Sloan Properties, Inc., Owner; Palatka Building & Zoning Dept., Applicant.
  - \*a. **ANNEXATION ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
  - \*b. **FUTURE LAND USE AMENDMENT ORDINANCE** - adopt
  - \*c. **REZONING ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
- \* 9. **PUBLIC HEARING:** Parcel located at northwest corner of Lane and Williams Streets - Planning Board Recommendation to Annex, assign residential land use rezone Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - The Latest Dirt, Lic., Owner; Palatka Building & Zoning Dept., Applicant
  - \*a. **ANNEXATION ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
  - \*b. **FUTURE LAND USE AMENDMENT ORDINANCE** - adopt
  - \*c. **REZONING ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
- \* 10. **PUBLIC HEARING** - 908 N 20th St - Planning Board Recommendation to Annex, amend the Comprehensive Land Use and rezone to City classifications - Gerald and Deborah Ragans, owners; Palatka Building & Zoning Dept, Applicant – ***Tabled on 9/10/15 to a time certain of 10/22/15 per owner request***
  - \*a. **ANNEXATION ORDINANCE** – 2<sup>nd</sup> Reading, Adopt –
  - \*b. **FUTURE LAND USE AMENDMENT ORDINANCE** – Adopt
  - \*c. **REZONING ORDINANCE** – 2<sup>nd</sup> Reading, Adopt-
- \* 11. **ORDINANCE** amending Chapter 22, Cemeteries; creating provisions for the issuance of burial permits for burials in City cemeteries, and amending Appendix A, Fee Schedule accordingly to cease of City-provided burial services and vault sales, as amended – 2<sup>nd</sup> Reading, Adopt
- \* 12. **ORDINANCE** -161 Comfort Road - Planning Board recommendation to rezone from R-1AA (Single Family Residential to M-1 (Light Industrial) – Pumpcrete America, Inc., owners, Palatka Building & Zoning Dept, Applicant – 1<sup>st</sup> Reading

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- \* 13. **ORDINANCE** - 521 S. 13<sup>th</sup> Street – Planning Board recommendation to rezone from R-1A (Single-Family Residential) to PBG-1 (Public Buildings & Grounds – City of Palatka Owner/Applicant – 1<sup>st</sup> Reading
- \* 14. **ORDINANCE** - Planning Board Recommendation to amend Zoning Code Section 94-2, 94-149 and 94-153 to define “food pantries” with such uses allowed by conditional use permit in C-2 (Intensive Commercial) and PBG-1 (Public Buildings & Grounds) zoning districts – 1<sup>st</sup> Reading
- \* 15. **ORDINANCE** Planning Board Recommendation to amend Zoning Code Sec. 94-2, 94-149, 94-153, 94-161, 94-162 and 94-207 to define “food trucks,” allow such uses in C-2 (Intensive Commercial), DB (Downtown Business) DR (Downtown Riverfront) and PBG-1 (Public Buildings & Grounds) zoning districts, and establish supplementary zoning standards for such uses – 1<sup>st</sup> Reading
- \* 16. **ORDINANCE** Planning Board Recommendation to amend Zoning Code Sec. 94-2, 94-149, 94-153, 94-161, 94-162 and 94-208 to define “produce trucks,” allow such uses in C-2 (Intensive Commercial), DB (Downtown Business) DR (Downtown Riverfront) and PBG-1 (Public Buildings & Grounds) zoning districts and establish supplementary zoning standards for such uses – 1<sup>st</sup> Reading
- \* 17. **ORDINANCE** amending Chapter 94 of the Code of Ordinances, Supplemental District Regulations, to allow the City Manager to hear appeals for waiver or modifications to Exterior Building Standards on Major City Thoroughfares – 1<sup>st</sup> Reading
- 18. **PRESENTATION** – Little Free Library Program – Cheryl Dollar
- 19. **COMMISSION DISCUSSIONS**
- 20. **CITY MANAGER & ADMINISTRATIVE REPORTS**
- 21. **COMMISSIONER COMMENTS**
- 22. **ADJOURN**

\*Attachment \*\*Separate Cover

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

### Upcoming Events:

Oct. 31 – Halloween Trick-or-Treat 6 to 8 pm  
Nov. 11 – City Offices closed for Veteran's Day  
Nov. 19 – 20 – FLC Legislative Agenda Conference  
Nov. 26 – 27 – City offices closed to observe Thanksgiving  
Dec. 24 – 25 – City offices closed to observe Christmas  
Jan. 1, 2016 – City offices closed to observe New Year's Day

### Board Openings:

General Empl. Pension Board – 1 Commission Appointee  
Putnam Co. Better Place Plan Oversight Committee Rep  
Planning Board – 1 Vacancy (at large)  
Board of Zoning Appeals – 3 vacancies (at-large)

# CITY OF PALATKA



## Proclamation

**WHEREAS**, cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and

**WHEREAS**, there is hope in winning the War on Drugs, and the hope lies in the hard work and determination of our communities to create a drug free environment - local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool; and

**WHEREAS**, success will not occur overnight; therefore, our patience and continued commitment to drug education and prevention are imperative; and

**WHEREAS**, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration Agent, who was murdered in the line of duty and has come to represent the belief that one person **CAN** make a difference. The Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts; and;

**WHEREAS**, the Red Ribbon Campaign, held annually during the week of October 23 – 31, is now the oldest and largest drug prevention program in the nation, reaching millions of young people; and

**WHEREAS**, the 2014 Red Ribbon Theme, "Respect Yourself – Be Drug Free" helps to broadcast the national message and calls on all Americans to show their support for a drug-free state by wearing a red ribbon as a symbol of intolerance towards the use of illegal drugs, and to participate in drug-free activities during the week of October 23, through 31, 2015.

**NOW, THEREFORE**, I, Terrill L. Hill, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby proclaim October 23 - 31, 2015, as

### RED RIBBON WEEK

in the City of Palatka, and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout the week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 22<sup>nd</sup> day of October, in the Year of Our Lord Two Thousand and Fifteen.

**Commissioners:**  
Mary Lawson Brown  
Rufus Borom  
Justin Campbell  
James Norwood, Jr.

**PALATKA CITY COMMISSION**

By: Terrill L. Hill, MAYOR



# CITY OF PALATKA



## Proclamation

**WHEREAS**, in 2015, an estimated 48,000 people will be diagnosed with pancreatic cancer in the United States and 40,560 die from the disease, and approximately 2,980 deaths will occur in Florida in 2015; and

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent, and is the 7<sup>th</sup> most common cause of cancer-related death in men and women across the world; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

**WHEREAS** there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015;

**WHEREAS** the good health and well-being of the residents of the City of Palatka are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

**NOW, THEREFORE, I**, Terrill L. Hill, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby recognize, endorse and designate month of November 13, 2015 as

### **WORLD PANCREATIC CANCER DAY**

in the City of Palatka, and hereby encourage the citizens of Palatka to observe the day by contacting the Putnam County Health Department to inquire about pancreatic cancer screening programs available locally as well as any other information regarding early detection.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 22<sup>nd</sup> day of October, in the Year of Our Lord Two Thousand Fifteen.

**Commissioners:**  
Mary Lawson Brown  
Rufus Borom  
Justin Campbell  
James Norwood, Jr.

**PALATKA CITY COMMISSION**

\_\_\_\_\_  
**By: Terrill L. Hill, MAYOR**



# CITY OF PALATKA



## Proclamation

**WHEREAS**, hospice and palliative care offer the highest quality services and support to patients and family caregivers facing serious and life-limiting illness. Hospice and palliative care providers take the time to ask what's important to those they care for and listen to what their patients and families say; and

**WHEREAS**, skilled and compassionate hospice and palliative care professionals—including physicians, nurses, social workers, therapists, counselors, health aides, and clergy—provide comprehensive care focused on the wishes of each individual patient; and

**WHEREAS**, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

**WHEREAS**, the provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

**WHEREAS**, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States, while more than 468,000 trained volunteers contributed 22 million hours of service to hospice programs annually; and

**WHEREAS**, these hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.

**NOW, THEREFORE**, I, Terrill L. Hill, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby endorse and proclaim November 2015 as

### **NATIONAL HOSPICE AND PALLIATIVE CARE AWARENESS MONTH**

in the City of Palatka, and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 22<sup>nd</sup> day of October, in the Year of Our Lord Two Thousand

**Commissioners:**  
Mary Lawson Brown  
Rufus Borom  
Justin Campbell  
James Norwood, Jr.

**PALATKA CITY COMMISSION**

\_\_\_\_\_  
By: Terrill L. Hill, Mayor



# CITY OF PALATKA



## Proclamation

**WHEREAS**, Children who have a loved one die, especially a close family member, experience intense inner turmoil; and

**WHEREAS**, every school district has students who have experienced personal loss and there are more grieving children than most of us realize; and

**WHEREAS**, on April 7, 2011 the Florida Legislature resolved to observe Children's Grief Awareness Day in Florida annually on the Thursday before Thanksgiving; and

**WHEREAS**, Children's Grief Awareness Day provides an opportunity for all of us to raise awareness of the painful impact that the death of a loved one has in the life of a child, an opportunity for all of us to recognize and support the millions of grieving children across the nation, the thousands of grieving children right in our own communities, and the grieving children we know and see in our daily lives; and

**WHEREAS**, Parental grief is boundless and touches every aspect of a parent's being; and

**WHEREAS**, Herry's Kids Pediatric Services provides specialized services to children and teens with life-threatening illnesses, and offers grief support and therapeutic camps for young people and their loved ones who have experienced a loss.

**NOW, THEREFORE, I**, Terrill L. Hill, Mayor of the City of Palatka, together with the members of the Palatka City Commission, do hereby proclaim Thursday, November 19, 2015 as

### CHILDREN'S GRIEF AWARENESS DAY

In the City of Palatka, Florida, and applaud the work currently being accomplished and support grieving children on their journey toward hope after a loved one dies.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the seal of the City of Palatka to be affixed this 22<sup>nd</sup> day of October, in the Year of Our Lord Two Thousand and Fifteen.

**Commissioners:**  
Mary Lawson Brown  
Rufus Borom  
Justin Campbell  
James Norwood, Jr.

**PALATKA CITY COMMISSION**

\_\_\_\_\_  
By: Terrill L. Hill, MAYOR





## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**Adopt Resolution No. 2015-11-73** authorizing the execution of a Polling Location Agreement with the Putnam County Supervisor of Elections for use of the Price-Martin Community Center for 2016 Elections & Poll Worker Training

### **SUMMARY:**

2016 is an Election Year. The City of Palatka has, in the past, entered into polling location agreements for use of the Price Martin Center as a polling location for presidential preference, primary and general elections with the Putnam County Supervisor of Elections.

The Supervisor of Elections requires use of the Center on various dates for poll work training, set-up and elections, as noted in the attached agreement. We include reservation of the Center the day prior to election day to allow for the set up and testing of machinery.

### **RECOMMENDED ACTION:**

**Adopt the resolution authorizing the execution of the Polling Location Agreement for Price Martin Center between the City and the Putnam County Supervisor of Elections for use during the 2016 elections.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ Resolution	Ordinance
▫ Polling Location Agreement	Exhibit

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 3:46 PM
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 3:46 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:28 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:35 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:44 AM

**RESOLUTION NO. 2015-11-72**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION OF AN ELECTIONS POLLING LOCATION AGREEMENT WITH THE PUTNAM COUNTY SUPERVISOR OF ELECTIONS FOR USE OF THE PRICE-MARTIN CENTER FOR THE CONDUCT OF 2016 PRESIDENTIAL PREFERENCE, PRIMARY AND GENERAL ELECTIONS**

**WHEREAS**, municipal, county, state and federal elections are held in even numbered years; and

**WHEREAS**, Section 26-11 of the Palatka Municipal Code states the Putnam County Supervisor of Elections shall serve as supervisor of elections for the City of Palatka; and

**WHEREAS**, The Price Martin Center, which is owned by the City of Palatka, is a designated polling place; and

**WHEREAS**, Charles L. Overturf, III, the Putnam County Supervisor of Elections, has expressed a desire to enter into a Polling Place Agreement for the use of the Price Martin Center on February 23, March 15, August 9, August 30, and November 8, 2016 for the conduct of poll worker training, presidential preference, primary and general 2016 elections; and

**WHEREAS**, the City deems it reasonable and necessary to enter said Polling Place Agreement with Charles L. Overturf, III, Putnam County Supervisor of Elections, for the conduct of the 2016 municipal, county, state and federal elections.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Palatka, Florida:

1. That the Mayor and City clerk are hereby authorized to execute and attest the Polling Location Agreement for use of the Price-Martin Center covering pollworker training dates and elections dates for the 2016 elections.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
Its **MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND LEGALITY:**

## Putnam County Supervisor of Elections Polling Location Agreement

The parties to this Agreement are the Putnam County Supervisor of Elections (the "SOE") and Price Martin Community Center (the "Polling Place"), and is dated October 5, 2015.

- I. **The Polling Place agrees** to provide full access to the facility that is agreed upon by the SOE and Polling Location; which is the Price Martin Community Center. Provide to the SOE the name and telephone number of someone owning or controlling the location. This Agreement shall be for, but is not limited to, the following dates for the 2016 Election Cycle:

- ❖ Presidential Preference Primary: **Tuesday, March 15, 2016**  
On Site Training Date & Time: **Tuesday, February 23, 2016 - 9:30AM-11:30AM**
- ❖ Primary Election: **Tuesday, August 30, 2016**  
On Site Training Date & Time: **Tuesday, August 9, 2016 - 9:30AM-11:30AM**
- ❖ General Election: **Tuesday, November 8, 2016**

II. **The Polling Place agrees to:**

1. Allow access to the polling area from 5:30 a.m. to approximately 9:30 p.m. on each above-scheduled Election Date. Should polling hours be extended by the Governor of Florida for any election, the Polling Place agrees to provide use of the location beyond these hours as needed to complete that election.
2. Allow voters and election workers use of the parking lot at the site of the Polling Place, and to provide as many parking spaces as possible to allow maximum parking for voters and poll workers.
3. Provide for the opening and closing of the facility: 1) election worker training classes (2) delivery and pickup of voting equipment; 3) for Election Day voting. Either a key must be provided to the SOE or an employee of the owner of the Polling Place must be made available and responsible for the opening and closing of the facility. **If this duty is given to an employee or designated contact person of the owner of the Polling Place, then that person must be available at the time and date to be decided by the SOE for both the delivery and pickup of voting equipment. Also, if this duty is given to an employee or designated contact person, then that person must be present at 5:30 a.m. to open the facility and return after the polls close at approximately 9:30 p.m. on the day of the election. Should the voting hours be extended by law or by the Governor, then these designated times could also be extended. On the day of training or delivery and pickup of equipment, that person must be present at least 30 minutes prior to the scheduled time of event. The name and phone number(s) of the employee or contact person must be provided to the SOE and the Precinct Clerk designated by the SOE at the time of this agreement. If the contact name and contact information changes at any time, the SOE must be notified immediately and in the manner set forth in Section IV. 2, below.**

**Note: a key is preferred by the SOE, it makes it easier for everyone.**

4. Provide access to a telephone and/or fax line that may be used on Election Day by the Precinct Clerk for communication to the SOE.

5. The Polling Place will be contacted by the SOE's contracted delivery company and/or SOE to schedule delivery and pickup of the equipment.
6. Provide secure storage space for the delivered voting equipment in the voting room or in a secure space as close as possible to the voting room.
7. Accommodate the required configuration of the voting room. Permit the rearrangement of any furniture in the facility, such as allowing extra tables, chairs, and/or other objects to be stored out of the way.
8. Allow the use of tables and/or chairs, if applicable, on Election Day & Training Day.
9. Allow the use of kitchen amenities, if applicable, to the election workers on Election Day.
10. Allow the use of restrooms for election workers on Election Day.
11. The Polling Place shall neither place nor provide partisan or political messages or materials at the Polling Place on Election Day, unless outside the 100-foot boundary required by law.
12. With the exception of Church owned property, allow the public to campaign 100 feet or more from the building that houses the voting area, even if the area is still on Polling Place's property.
13. Permit placement of election signage specific for the needs of the precinct at/on the location on Election Day.
14. Permit photographs taken by Elections Officials prior to and on Election Day to be included in but not limited to, in newsletters and publications generated by the SOE and/or the Putnam County SOE web site.
15. Allow the SOE to perform minor, temporary modifications and enhancements to the polling site to ensure complete access to voters with disabilities and to comply with the requirements of the Americans with Disabilities Act. These enhancements will be made with prior knowledge and approval of the Polling Place.
16. Allow the SOE to hold election worker training classes at the polling location on a day and time designated prior to an election cycle.

**III. In return, the Putnam County Supervisor of SOE agrees to provide the following to the Polling Place:**

1. Provide general liability insurance in the amount of \$100,000.00 to the Polling Place for voters and SOE employees occupying the site during the Election Day.
2. The SOE is subject to the provisions of section 768.28, Florida Statutes.
3. Deliver and pick up voting equipment at prearranged times before and after each election or as stated.
4. Remove all posted election signs at/on the location at the close of the polls on Election Day.
5. Return any furniture that was moved prior to Election Day by an Elections' Official after the close of the polls.

6. In the event that the furniture is too heavy for election workers to move, the facility staff will be responsible for the movement of the furniture.
7. Provide all supplies needed for voters on Election Day.
8. Maintain security of facility by protecting any access code(s) or key(s) provided to the Election Office by the Polling Place.

**IV. The Parties agree to the following:**

1. Upon the SOE's delivery of a signed agreement, the facility rental fee (if any), and the evidence of insurance, this Agreement cannot be cancelled by the Polling Place for convenience, and this Agreement shall be binding on successive owners of the Polling Place.
2. Any notices required for this Agreement shall be sent via overnight delivery or certified mail (return receipt requested) to the Polling Place at the facility address, and to the SOE at 2509 Crill Ave., Suite 900, Palatka, Florida 32177.
3. This Agreement is not assignable by the SOE.

The persons signing this Agreement are authorized to do so, on behalf of each party.

This Agreement may be signed in counterpart and via facsimile signature, the counterparts and facsimiles of which, when taken together, shall be deemed to constitute an entire and original Agreement signed, delivered, and dated on the date first set forth above:

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Charles L. Overturf III  
Supervisor of Elections  
Putnam County, Florida

**Charles L. Overturf III**  
**Supervisor of Elections**  
**Putnam County, Florida**



**2509 Crill Ave., Suite 900**  
**Palatka, Florida 32177**  
**Telephone: 386-329-0224**  
**Facsimile: 386-329-0455**  
**Web: [www.putnam-fl.com/soe](http://www.putnam-fl.com/soe)**

October 5, 2015

Re: Polling Location Agreement/Training Dates

Dear Ms. Betsy Driggers,

Enclosed with this letter you will find the Polling Location Agreement for the 2016 Election Cycle. We have listed tentative training dates for the Presidential Preference Primary and the Primary Election. We will not disclose these training dates to our workers until we receive your approval. If they are not scheduled for a date and time that is convenient for you we can reschedule. We like to hold training sessions at each polling location prior to certain elections so we can familiarize our workers with their Election Day work location. We also like to see if there are any issues that we need to address before Election Day. This also gives us the opportunity to test the phone line to be sure we can properly upload results on election night.

The three election dates listed on your agreement are non-negotiable and cannot be changed by the elections office. We are required by law to hold our elections on these dates.

Please contact Jennifer Adkisson at (386)329-0223 or email her at [jennifer.adkisson@putnam-fl.com](mailto:jennifer.adkisson@putnam-fl.com) as soon as possible to confirm that you have the election dates reserved; and to either approve or reschedule the tentative training dates.

Thank you,

Charles L. Overturf III  
Supervisor of Elections  
Putnam County, FL  
Office: (386)329-0224  
Fax: (386)329-0455  
Email: [electionsoffice@putnam-fl.com](mailto:electionsoffice@putnam-fl.com)



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**Adopt Resolution No. 2015-11-74** requesting a waiver in permit fees from St. Johns River Water Management District for FY 2015/16

**SUMMARY:**

This resolution requests a waiver of permit fees from SJRWMD for F/Y 2014-15. SJRWMD Rules, Section 401C-1603(14), related to license and permit fees, indicates that the City is eligible for a reduction in the SJRWMD fee schedule. This resolution follows their form 40C-1.603(13). The commission has adopted a similar resolution annually, except that this year the City no longer qualifies under the "greater than 8 mills" hardship factor; however the City does qualify under two other factors. A copy of the statute is attached.

If granted, this waiver will enable the City to submit a permit fee of \$100.00 versus a permit fee of \$1,500.00 per permit application for ongoing work throughout the City.

**RECOMMENDED ACTION:**

**Adopt a resolution requesting a waiver in permit fees from SJRWMD for FY 2015/16**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Exhibit A to Resolution	Exhibit
▣ Resolution	Resolution
▣ Statute	Attachment

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Clerk	Driggers, Betsy	Approved	10/12/2015 - 9:53 AM
City Clerk	Driggers, Betsy	Approved	10/12/2015 - 9:53 AM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:28 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:36 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:45 AM



## EXHIBIT "A"

Executive  
Director  
Marshall Stranburg

10/9/2015

To: Betsy Jordan Driggers  
From: Property Tax Oversight, Research and Analysis  
Subject: City of Palatka

Below is the requested information related to per capita taxable value and percentage of assessed property that is exempt from ad valorem taxation.

### Statewide

Total Just Value	\$2,054,586,265,161
Total Assessed Value	\$1,821,608,093,764
Taxable Value	\$1,391,611,734,036
Exempt Amount	\$429,996,359,728
Population	19,382,716
Per Capita Taxable Value Average	\$71,797
Percentage of Assessed Value Exempt from Taxation	23.61%

### City of Palatka

Total Just Value	\$743,763,313
Total Assessed Value	\$715,848,608
Taxable Value	\$372,922,891
Exempt Amount	\$342,925,717
Population	10,377
Per Capita Taxable Value Average	\$35,937
Percentage of Assessed Value Exempt from Taxation	47.90%
Millage	9.1749

Source: "Ad Valorem Data Book 2014" (FL DOR) and "Florida Estimates of Populations 2014" (BEBR).

Child Support Enforcement – Ann Coffin, Director · General Tax Administration – Maria Johnson, Director  
Property Tax Oversight – Dr. Maurice Gogarty, Director · Information Services – Damu Kittikrishnan, Director

[www.myflorida.com/dor](http://www.myflorida.com/dor)  
Tallahassee, FL 32399-0100

**RESOLUTION No. 2015-11-**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
REQUESTING A WAIVER IN PERMIT FEES FROM ST.  
JOHNS RIVER WATER MANAGEMENT DISTRICT**

**WHEREAS**, the 1994 Legislature enacted Chapter 218-075, Laws of Florida, allowing reduction of permit processing fees for municipalities with a population of 25,000 or less, counties with a population of 50,000 or less, or any county or municipality not included within a metropolitan statistical area upon certification by that county or city that the cost of the permit processing fee is a fiscal hardship; and

**WHEREAS**, the City of Palatka has a population of less than 25,000; and

**WHEREAS**, the City of Palatka certifies that it is not included within a metropolitan statistical area; and

**WHEREAS**, the City of Palatka certifies that it qualifies for permit processing fee reductions for Fiscal Year October 1, 2014 through September 30, 2015, due to the following:

1. Per capita taxable value is less than the statewide average for the current fiscal year.
2. Percent age of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year.

**WHEREAS**, this factor is supported by the attached memorandum from the Florida Department of Revenue citing taxable values for City of Palatka and State of Florida, attached hereto as Exhibit "A" and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Palatka City Commission does hereby request that the St. Johns River Water Management District reduce the processing fee for public purpose projects for the 2015-16 fiscal year.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida, this **22<sup>nd</sup>** day of **October, 2015**.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

# The Florida Senate

## 2015 Florida Statutes

<u>Title XIV</u> TAXATION AND FINANCE	<u>Chapter 218</u> FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS	<b>SECTION 075</b> <b>Reduction or waiver of permit  processing fees.</b>
	<u>Entire Chapter</u>	

**218.075 Reduction or waiver of permit processing fees.**— Notwithstanding any other provision of law, the Department of Environmental Protection and the water management districts shall reduce or waive permit processing fees for counties with a population of 50,000 or less on April 1, 1994, until such counties exceed a population of 75,000 and municipalities with a population of 25,000 or less, or for an entity created by special act, local ordinance, or interlocal agreement of such counties or municipalities, or for any county or municipality not included within a metropolitan statistical area. Fee reductions or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

- (1) Per capita taxable value is less than the statewide average for the current fiscal year;
- (2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- (3) Any condition specified in s. 218.503(1) which results in the county or municipality being in a state of financial emergency;
- (4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- (5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality or an entity created by special act, local ordinance, or interlocal agreement and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed \$100.

**History.**—s. 1, ch. 94-278; s. 8, ch. 98-258; s. 25, ch. 2004-305; s. 4, ch. 2012-205.

**Disclaimer:** The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**Adopt Resolution No. 2015-11-75** authorizing the execution of a Grant Administration Contract with Fred Fox & Associates in the amount of \$5,000 for FRDAP project No. A16072 for Riverfront Park Phase I

### **SUMMARY:**

The City of Palatka was recently awarded a Florida Department of Environmental Protection have entered in to a Florida Recreation Development and Acquisition Program (FRDAP) Grant Agreement A16072 for Riverfront Park Improvements. This project includes the construction of a canoe and kayak launch, picnic facilities, nature based playground and sidewalks. Mr. Fox and his team have provided CDBG and FRDAP grant administration to the City for over 30 years.

Staff recommends contracting with Fred Fox & Associates based upon their experience, excellent track record managing City of Palatka grants and their involvement in the initial application for these grant funds. Their contract for \$5,000 is attached for review. It details their responsibilities as it relates to the administration and reporting requirements of the FRDAP program.

### **RECOMMENDED ACTION:**

**Adopt the resolution authorizing the execution of a Grant Administration Contract with Fred Fox & Associates in the amount of \$5,000 for FRDAP project No. A16072 for Riverfront Park Phase**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Grant Admin Agreement Resolution	Resolution
▢ Grant Administration Contract	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Grants & Projects	Griffith, Jonathan	Approved	10/9/2015 - 10:15 AM
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 2:30 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:27 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:33 AM

**RESOLUTION NO. 2015-**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING THE EXECUTION OF A GRANT ADMINISTRATION  
CONTRACT WITH FRED FOX & ASSOCIATES IN THE AMOUNT  
OF \$5,000 FOR FRDAP PROJECT NO. A16072 FOR RIVERFRONT  
PARK PHASE**

**WHEREAS**, the City of Palatka and the Florida Department of Environmental Protection have entered in to a Florida Recreation Development and Acquisition Program (FRDAP) Grant Agreement A16072 for Riverfront Park Improvements (the Project);

**WHEREAS**, Fred Fox & Associates assisted the City in preparing the grant application and is qualified to administer the grant;

**WHEREAS**, Fred Fox & Associates have proposed to provide grant administration services in the amount of \$5,000 for the Project;

**WHEREAS**, it is in the best interest of the City of Palatka to go forward with the proposal.

**NOW THEREFORE**, be it resolved that the City Manager, and City Clerk, are hereby authorized to execute and attest the Agreement with Fred Fox & Associates for an amount not to exceed \$5,000 for FRDAP Grant Administration.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

# FRDAP GENERAL ADMINISTRATION CONTRACT

This FRDAP General Administration Contract entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Fred Fox Enterprises, Inc., hereinafter referred to as the Grantsman, and the City of Palatka, hereinafter referred to as the Local Government.

## WITNESSETH THIS RECITAL:

**WHEREAS**, the Local Government has been awarded FRDAP grant number A16072 for Riverfront Park Phase I, hereinafter referred to as the "Project", and

**WHEREAS**, the Grantsman is now available, willing and qualified to perform professional services in connection with the Project, to-wit;

**NOW THEREFORE**, the participant's hereto agree as follows:

## ARTICLE I

### SCOPE OF SERVICES OF THE GRANTSMAN

The Grantsman's responsibilities in regard to the subsection "Scope of Services of the Grantsman" shall be: to compile information from the local government as it relates to the specific grant described herein, and to develop from the compiled information any necessary documentation to carry out the administration of this grant.

**WHEREAS**, the Local Government is desirous that the Grantsman perform such services regarding the Project the Local Government does now engage the Grantsman to perform such services noted above on the Project and the Grantsman agrees to perform such services to-wit;

To serve the Local Government as its professional representative and coordinate various phases of the Project to which this grant contract applies, and

To advise the Local Government of the Procurement and record keeping involving the grant, and

To prepare all Request for Reimbursements involving the grant, and

To meet with Local Government staff and volunteers to insure the grant operates in a smooth and efficient manner, and

To prepare all required reports and close out documents.

## **ARTICLE 2**

### **RESPONSIBILITY OF THE LOCAL GOVERNMENT**

The Local Government's responsibility in regard to the subsection "Responsibility of the Local Government" shall be:

1. To encourage the personnel of the Local Government to cooperate and assist the Grantsman in the compiling of data associated with the project.
2. To provide the items needed to complete the "Commencement Package".
3. To solicit for and contract with vendors to provide and/or install the equipment and materials needed to carry out the activities included in the work plan included in the DEP contract for the project.
4. To oversee the installation of the equipment and materials included in the DEP contract for the project.
5. To provide all information needed by the Grantsman to prepare the necessary reports and request for reimbursements by the Local Government required to carry out the project.

## **ARTICLE 3**

### **RESPONSIBILITY OF THE GRANTS MAN**

The Grantsman's responsibility in regard to the subsection "Responsibility of the Grantsman" shall be:

1. To prepare the "Commencement Package" for review and execution by the Local Government and submission to DEP.
2. To prepare all "Project Status Reports" required by DEP to carry out the grant.
3. To prepare "Requests for Reimbursement" for review by the Local Government and submission to DEP.
4. To prepare any contract amendment requests desired by the Local Government for submission to DEP.

5. To work with the Local Government to insure all procurements of goods and services required to carry out the project are carried out in compliance with the Local Governments Purchasing or Procurement Policy.
6. Prepare the "Closeout Package" required by DEP to complete the project.

**ARTICLE 4**

**PERIOD OF PERFORMANCE**

The period of performance under this Project shall begin upon the signing of this contract and shall be completed upon approval of the final closing documents submitted for the FRDAP project, as noted herein, by the Florida Department of Environmental Protection, Division of Recreation and Parks.

**ARTICLE 5**

**COMPENSATION**

The Local Government agrees to pay the Grantsman in the following manner not to exceed Five Thousand and No/100 Cents (\$5,000.00), structured as follows:

	Accomplishments	Amount
1.	The submission of all Pre-reimbursement/ Commencement Documents to the State and the acceptance of these documents by DEP	\$ 1,250.00
2.	The commencement of construction on the project	\$ 1,250.00
3.	The completion of construction	\$ 1,250.00
4.	The acceptance of the closeout by DEP	\$ 1,250.00

**ARTICLE 6**

**LOCAL GOVERNMENT CONTACT PERSON**

The contact person who will represent the Local Government in all matters pertaining to the project shall be Jonathan Griffith, Project Manager/Grant Administrator, or his designee.

## **ARTICLE 7**

### **CONFLICT OF INTEREST**

The Local Government having been so advised by the Grantsman does hereby recognize that the Grantsman has provided similar services in the past to other Local Governments and Business Entities and may be so engaged in a similar project at this time or in the future and the parties agree that these projects by the Grantsman do not constitute a conflict of interest with the project.

## **ARTICLE 8**

### **ACCESS TO AND RETENTION OF RECORDS**

The Grantsman understands all records made or received by the Grantsman in carrying out the project referenced herein are public records. The Grantsman shall allow public access to all documents, papers, letters and other material made or received by the Grantsman in carrying out this grant and subject to disclosure under Chapter 119 Florida Statutes and Section 24(a) Article 1, Florida Constitution. The Grantsman shall retain all books, records and documents directly pertinent to carrying out this grant project for a minimum of five (5) years following DEP's closeout of the grant project.

## **ARTICLE 9**

### **SOCIAL SECURITY**

The Local Government is not liable for Social Security contributions pursuant to Section 481, 42 U.S. Code, relative to the compensation of the Grantsman of the Grantsman during the period of this contract.

## **ARTICLE 10**

### **CONTRACT AMENDMENT**

The terms and conditions of this contract may be changed at any time by mutual agreement of the parties hereto. All such changes shall be incorporated as written amendments to this contract.

**ARTICLE 11**

**GRANTSMAN'S NOTICE REGARDING ENGINEER OR ARCHITECT**

It is understood between the Local Government and the Grantsman that the Grantsman will not be responsible for any Federal, State or Local requirements that must be completed and submitted by the engineer and/or architect with relationship to the project.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals:

LOCAL GOVERNMENT:

GRANTSMAN:

\_\_\_\_\_  
Terrill L. Hill, Mayor

\_\_\_\_\_  
Fred D. Fox, Administrator  
Fred Fox Enterprises, Inc.

ATTESTED BY:

\_\_\_\_\_  
Betsy Jordan Driggers, City Clerk

\_\_\_\_\_  
Melissa N. Fox,  
Project Manager  
Fred Fox Enterprises, Inc.



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**Approve requested items for Special Events Permit No 15-44 - Palatka Pride Fall Festival to be held on October 31, 2015 from 8:00 a.m. until 2:00 p.m.- Palatka Pride/PPD Officer Mylinh Reeves, Applicant**

1. Grant permission to waive the Class B special event application deadline (60 days prior to event).
2. Grant permission to exceed allowable noise levels throughout the duration of event.
3. Allow the closure of S. 14th St. from Crill Ave. to Diana Dr. and a portion of Diana Dr. west of S. 14th St. for the event.

**SUMMARY:**

Although Class B special events can be approved by the Special Events Coordinator, this application contains requests to exceed allowable noise levels, close certain streets, and waive the Class B special event application deadline, all actions which must be approved by the City Commission.

**RECOMMENDED ACTION:**

**Grant permission to exceed allowable noise levels, close S. 14th St. between Crill Ave. & Diana Dr. and a portion of Diana Dr. west of S. 14th St., and waive the application deadline for the Palatka Pride Fall Festival on Saturday, October 31, 2015 from 8:00 a.m. until 2:00 p.m.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ Special Event Permit Application	Backup Material

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Special Events	Crowe, Thad	Approved	10/14/2015 - 2:43 PM
City Clerk	Driggers, Betsy	Approved	10/14/2015 - 2:56 PM
City Manager	Suggs, Terry	Approved	10/14/2015 - 5:47 PM

APPLICATION # 15-44

(circle one below)

CLASS A PERMIT - Filing Deadline: 60 days prior to event

CLASS B PERMIT - Filing Deadline: 60 days prior to event

CLASS C PERMIT - Filing Deadline: 30 days prior to event



CITY OF PALATKA
APPLICATION FOR SPECIAL EVENT

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER

a. PALATKA PRIDE
b. CONTACT PERSON of Mylinh Reeves TELEPHONE/CELL 937-1701
c. EMAIL mreeveg@palatka-fl.gov FAX #

2. ADDITIONAL CONTACT

a. CONTACT PERSON TERRILL HILL TELEPHONE/CELL
b. EMAIL FAX #

3. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY

Park clean-up 8-10AM
Fall Festival 10-2PM

4. DATE & HOURS OF DESIRED USE:

10-31-15 8AM - 2PM

5. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)

Park including pavillions, basketball courts tennis courts

6. ROAD CLOSURES:

Close one block of S. 14th (Call to Diane)

7. REQUEST FOR NOISE VARIANCE(Dates and Times):

10-31-15 10-2 PM

8. REQUEST FOR ALCOHOL VARIANCE(Dates,Times,Location):

N/A

9. ESTIMATE OF ANTICIPATED ATTENDANCE

100

10. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT

N/A

11. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

- a. CLASS A: \$300.00- 40,000 - 80,000 in attendance per day
b. CLASS B: \$100.00 per day Up to 1,000 persons per day
c. CLASS C: \$50.00 per day (Limited impact on traffic, parking etc.) Events such as Weddings, Fishing tournaments with less than 40 boats. Etc.
d. Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly. (7% Sales Tax)

Applications will not be processed and events dates cannot be secured without accompanying application fee.

12. OTHER COSTS: Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads.

13. ATTACHED ITEMS: r Site Plan (To Include: Parking, Vendor Location, Street Closures, Garbage Containers, Parade/ March Route, Sound System(s) Location, Event Headquarters, and etc.)

r Certificate of Insurance SEC 50-222 (See Attached Requirements)

14. Arrangements for police services are REQUIRED for fishing tournaments with 70 boats or more. Fishing Tournaments and other large event organizers are required to arrange for auxiliary vehicle/trailer parking per accompanying guidelines.

**IMPORTANT INFORMATION**

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVERS MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT DOES NOT INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. Organizers are required to contact the City of Palatka Building & Zoning Department office at 386-329-0103 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS.

**Acceptance of your application should in no way be construed as final approval or confirmation of your request.**

Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

The applicant(s) agrees to hold harmless and indemnify the City of Palatka, its officers, agents and employees against any loss, damage or expense ( including all costs and reasonable attorney's fees ) suffered by the City of Palatka for:

- 1.) Any breach of the terms of the permit or any inaccuracy in or breach of any representation, warranty or covenant made by the applicant(s) to the City of Palatka as an inducement to the granting of the permit.
- 2.) Any claims, suits, actions, damages or cause of actions for any personal injury, loss of life or damages to personal or real property sustained by reason of, result of, or by presence of the applicant(s) on public property by applicant's agents, employees, invitee and/or any other persons.

**ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109:** Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

**10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.**

10-12-15  
DATE

*x of Mylinda Reeves*  
SIGNATURE OF APPLICANT

**APPROVED:**  
*[Signature]* 10/14/15  
SPECIAL EVENTS COORDINATOR DATE

*[Signature]* 10-12-15  
CHIEF OF POLICE DATE

**RETURN TO:**  
THAD CROWE  
SPECIAL EVENTS COORDINATOR  
205 N. 2<sup>nd</sup> Street  
Palatka, FL 32177

(FOR ADDITIONAL INFORMATION PLEASE CALL THE BUILDING & ZONING OFFICE AT 386-329-0103.)



## CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator:

Meeting Date: 10/14/15 Special Events Coordinator: Thad CROWE

<input checked="" type="checkbox"/>	Site Sketch Provided	Event Classification:	<input type="checkbox"/>
<input type="checkbox"/>	Tentative Schedule of Events	Class A	<input checked="" type="checkbox"/>
		Class B	<input type="checkbox"/>
		Class C	<input type="checkbox"/>

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/ Production: FALL FESTIVAL CLEAN-UP

Type of Event: COMMUNITY CLEAN-UP

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still motion picture production, etc. – attach separate listing if necessary)

CLEAN-UP, GAMES,

Location of Event: HAWK BRYAN PARK

Requested dates and time of events (not including set-up and break down):

	Date	Day	Begin	End
Event Day 1	<u>10-31-15</u>		<u>8</u> <input checked="" type="radio"/> AM <input type="radio"/> PM	<u>2</u> <input type="radio"/> AM <input checked="" type="radio"/> PM
Event Day 2			AM/PM	AM/PM
Event Day 3			AM/PM	AM/PM
Event Day 4			AM/PM	AM/PM

Set-up for event will begin on (Date) 10-31-15 at (time) 7AM

Break down will be completed by (Date) 10-31-15 at (time) 2pm

Event Sponsor/Organization \_\_\_\_\_

Name of Promoter: \_\_\_\_\_ Tax Exempt No.: \_\_\_\_\_

**Fee Worksheet (to be completed by Special Events Coordinator)**

<b>“Class A” Event</b>	<b>“Class B” Event</b>	<b>“Class C” Event</b>
Daily Fees (see fee schedule)	Daily Fees \$100.00/day	Daily Fees \$50/day
Security Fees @ \$23/hr/Officer	Security Fees @ \$23/hr/Officer	Security Fees @ \$23/hr/Officer
Green Container Fees @ \$15/container	Green Container Fees @ \$15/container	Green Container Fee@\$15/container
Refundable Deposit \$500.00	Public Works Employees @ \$14.00/hr (no charge during normal working hours)	

Special Events Permit Fees      \$ 100 Per day X 1 Days      \$ 100

Law Enforcement (City)  
Police Officer(s)      \$ 23.00 Per hour X \_\_\_\_\_ Officers X \_\_\_\_\_ Hours      \$ \_\_\_\_\_

Fire Personnel      \$ 23.00 Per hour X \_\_\_\_\_ Hours      \$ \_\_\_\_\_

Building Inspector      \$ 23.00 Per hour X \_\_\_\_\_ Hours      \$ \_\_\_\_\_

Public Works Services (only-no charge during regular working hours)

Public Works Personnel      # Personnel \_\_\_\_\_ X \_\_\_\_\_ Hours @ \$23/hour      \$ \_\_\_\_\_

Electrician Services (only-no charge during regular working hours)

Electrician Personnel      \$ 23.00 Per hour X \_\_\_\_\_ Hours      \$ \_\_\_\_\_

Sanitation Equipment Fee

# Green Roll-Out Containers \_\_\_\_\_ X \$15.00 Per Container      \$ \_\_\_\_\_

Additional Charges (List)

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL SPECIAL EVENT FEES (Sponsor/Promoter)**      \$ \_\_\_\_\_

To be completed and submitted by applicant prior to meeting with city staff.  
City staff will amend checklist as necessary.

r Estimated peak number of participants (each day of event): Day 1 200  
Day 2 \_\_\_\_\_ Day 3 \_\_\_\_\_ Day 4 \_\_\_\_\_ Day 5 \_\_\_\_\_

r Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used: N/A

r Number and location of fire protection services: N/A

r Inspection(s)- date and time requested: (\$23/hour) N/A

r Electrician services- date and time requested: (\$23/hour) N/A

r Emergency medical services: ambulance locations(s) (note on site plan): N/A

Number of EMS personnel required: (\$23/hour) N/A

r Number and location for portable toilets: (note location on site plan) 2 furnished by event staff

r Carnival location (if any) (note location on site map) N/A

r Number of sanitation roll-out containers required (\$15/ container) 15

r Location of parking/transportation services, if any: Adjoining properties

r Temporary parking, directional signage needed: N/A

r Type transport vehicles (van, buses, etc.) NA

r Location of security and emergency vehicle parking on site: N/A

r Public street barricades/street closures/detours: (note locations on site plan) 14th + Grill  
14th + Diana

- r Main emergency vehicle access to site (location-also note on site plan): 15th Street 14th street
- r Location of temporary structures, fences, grandstands, bandstands, judges stands, bleachers, hospitality tents, booths, etc.: (note on site plan): N/A
- r Number and location of arts and craft vendors, concessions and/or sponsor/promoter(s) stands (note on site map) along walks in park
- r Number and location of food vendors (note on site plan): N/A
- r Staff/ volunteer uniform identification: N/A
- r Sound system(s) location: Mound
- r Number and location of special activities (launching areas, animal attractions, amusements, car shows, parade routes, and etc.): N/A
- r Number and location of temporary signs/banners: N/A
- r Number and location of promotional visual effects: N/A
- r Watercraft: N/A
- r Aircraft: N/A
- r Types & location of on-site advertising (banners, balloons, posters, flyers, inflatables, signs, etc.): N/A

**Items Outstanding:**

- r Site plan
- r 501(C) (3) certificate of exemption - KPB
- r Nonprofit articles of incorporation, charter and mission statement KPB
- r Consent letter (event property): property owners on which special event location is held (if not held on city property) N/A



# Palatka Pride

## Fall Festival Clean up

All provided Putnam County GIS data are to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The Putnam County Board of County Commissioners as well as the constitutional offices including the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector assume no responsibility associated with its misuse.



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**PRESENTATION** - Sea Level Rise: New, Certain and Everywhere. What To Do In Response? -- Robert Virnstein, PhD

### **SUMMARY:**

Robert Virnstein has requested Agenda Placement to make a Power Point presentation to the City Commission regarding sea level rise. He has included a two-page handout which follows this summary.

Mr. Virnstein requests the Commission direct the Planning Director to work with him and a UF group dedicated to sea level rise planning to incorporate sea level rise in long-term planning for City of Palatka. The Planning Director concurs on Mr. Virnstein's request to incorporate sea level rise in long-term planning.

### **RECOMMENDED ACTION:**

**Presentation and direction to staff.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ 2-page Handout	Backup Material
▫ Pt 1 Sea Level Rise PowerPoint Presentation	Presentation
▫ Pt 2 Seal Level Rise Powerpoint Presentation	Presentation

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:11 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:12 AM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:29 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:37 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:45 AM

# Sea Level Rise: New, Certain, and Everywhere. What to do in response?

by

Robert Virnstein, PhD

142 Elgin Road, E. Palatka

Ph: 386-546-0204

[seagrass3@gmail.com](mailto:seagrass3@gmail.com)

Presentation to Palatka City Commission, 3/13/14

## A. A few local facts:

1. The St. Johns River at Palatka is tidal. Palatka has a tidal range (difference between low tide and high tide) of over 1 foot. Water level is basically at, or only a couple inches above, sea level.
2. **Rainfall has little to do with water level.** Only about 10% of water level variation is due to rainfall.
3. **Ocean** water level is the main driver of water level in the River. Strong north or south winds can also change water level briefly (for a few days).
4. Average water level in Oct-Nov is typically about a foot higher than the rest of the year.
5. Sea level is rising (graph 1).

## B. Projections:

1. The rate of sea level rise is increasing.
2. Expect an additional rise of about 3 feet by the end of the century (graph 2), one lifetime.  
Or, 15 inches by 2050, in 36 years. Generally, actual sea level rises have exceeded projections.

## C. Implications:

1. Low-lying areas will see an increase in magnitude, duration, and frequency of flooding.
2. Low-lying septic tanks will not function properly.
3. Wetlands will experience increased flooding; some may convert to open water.
4. All shorelines will move further up-slope – some a little; some a lot.
5. Development will have to retreat from the shoreline.
6. Docks will be covered at high tide.
7. There will be loss of riverfront property along the edge of the River.

## D. What to do?

1. Confer with the City's Planning Director. Direct him to incorporate sea level rise in planning.
2. Planning must be long-term. Think decades.
3. Zoning laws will have to be changed to accommodate this increased flooding – both higher elevations plus a larger buffer (at least 1 foot) to accommodate the uncertainties of projections.
4. Development should not be permitted in places that will flood in the next few decades.

# Implications<sub>1</sub>: Facts and Consequences

1. Low-lying areas will see an increase in flooding: magnitude, duration, and frequency.
2. Low lying septic tanks will stop working properly.
3. Wetlands will experience increased flooding; some may convert to open water.

Loss of wetlands may result in increased nutrient loading to the River, resulting in decreased water quality and increased plankton blooms.

4. All shorelines will move up-slope – some a little, some a lot.

# Implications<sub>2</sub>: To-Do

1. Development will have to retreat from the shoreline and move up-slope.
2. Planning and permitting must recognize sea level rise.

**How can I help?**



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**RESOLUTION - Fire Assessment Fee -** Authorize execution of Letter Agreement with Mark G. Lawson, P.A. and Work Orders 2015–02 (time and materials) and 2015–03 (fixed fee), all concerning implementation and collection of Fire Service Assessments - Adopt

### **SUMMARY:**

The City now has a final judicial ruling as to the legal validity of the Fire Service Assessment. Mr. Lawson's firm and the necessary consultants (collectively "MGLPA") have been working to prepare the billing, and FY 15-16 bills are scheduled to be mailed in late Oct. or early Nov. As well, actions are now required to prepare for FY 16-17 activities before the calendar year end in the ongoing process. The two Work Orders serve to provide required written direction to proceed.

Additionally, Mr. Lawson has provided a letter agreement in which he or the firms involved have either reduced or discounted professional fees on services already provided which are now due in full, or agreed to further defer payment now due for their work through the judicial validation until the assessment bills begin to be paid, or both. This assists the City with early fiscal year cash flow demand. His firm also offered to reduce these charges in order to provide or fund a grant to assist the City in positioning itself to attract state and federal new markets tax credits (economic development funding) for Putnam County. Total reductions/assistance offered by MGLPA equate to \$14,067.

### **RECOMMENDED ACTION:**

**Adopt Resolution authorizing the Mayor to sign the letter agreement, and the Mayor/City Manager to execute Work Order 2015-2 and 2015-3.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Resolution	Resolution
▢ Letter Agreement	Backup Material
▢ Final Invoice	Backup Material
▢ Work Order 2015-2	Backup Material
▢ Work Order 2015-3	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
			10/15/2015 - 5:38

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING THE FINAL INVOICE FROM MARK G. LAWSON, P.A. FOR THE COMPLETION OF THE APPORTIONMENT OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES AND FACILITIES; AUTHORIZING EXECUTION OF WORK ORDER 2015-2 FOR THE DIRECT BILLING OF FIRE ASSESSMENT FEES FOR FISCAL YEAR 2015-2016; AUTHORIZING EXECUTION OF WORK ORDER 2015-3 FOR THE TRANSITION TO UNIFORM COLLECTION METHOD FOR FISCAL YEAR 2016-2017 AND SUBSEQUENT ASSISTANCE FOR THE FOLLOWING TWO FISCAL YEARS; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA:**

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to the provisions of the Municipal Charter of the City (the "Charter"), Florida Statutes and other applicable provisions of law (collectively, the "Act").

**SECTION 2. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) Under an approved Work Order, and direction by the City Commission on April 9, 2015, the City Commission engaged Mark G. Lawson, P.A., and authorized the use of GAI Consultants, Inc. (formerly acting by and through its wholly-owned Real Estate Research Consultants), and Ennead, LLC (collectively, the "Assessment Professionals") to review budget information from the City and prepare an Executive Summary describing an apportionment approach sometimes referred to as 'Simplified Fire' pertaining to special assessments for fire protection services and facilities, and such Executive Summary has been presented to, and received and considered by, the City Commission at a regularly scheduled meeting.

(B) The City Commission adopted an ordinance on August 18, 2015 which authorized a special assessment for fire protection services and facilities along with an Annual Assessment Resolution which set forth the funding level of the special assessment.

**SECTION 3. DIRECTION.**

(A) The Mayor is authorized to execute the attached Letter Agreement outlining the payment terms of the final invoice under Work Order 2015-1 which is predicated upon the direction to proceed with Work Orders 2015-2 and 2015-3.

(B) The final invoice for services provided under Work Order 2015-1 is hereby accepted and authorized for payment under the terms set forth in the attached letter from Mark G. Lawson, P.A..

(C) The Mayor, City Manager or his or her functional administrative equivalent, City Attorney, Fire Chief and other necessary City officials and employees are directed and authorized to execute Work Order 2015-2 enabling Mark G. Lawson, P.A. and other entities to complete the direct billing of the special assessment for fire protection services and facilities for Fiscal Year 2015-2016.

(D) The Mayor, City Manager or his or her functional administrative equivalent, City Attorney, Fire Chief and other necessary City officials and employees are directed and authorized to execute Work Order 2015-3 utilizing the services Mark G. Lawson, P.A. and other entities to provide for the transition to the Uniform Collection Method for Fiscal Year 2016-2017 and ongoing annual assistance for the preparation of the annual assessment roll for the subsequent two fiscal years.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED THIS** 22nd day of October, 2015.

**THE CITY OF PALATKA, FLORIDA**

By: \_\_\_\_\_  
Terrill Hill, Mayor  
Ex-Officio Chair of the City Commission

ATTEST:

\_\_\_\_\_  
Betsy Diggers, City Clerk

APPROVED AS TO  
CORRECTNESS AND FORM:

By: \_\_\_\_\_  
Donald E. Holmes, City Attorney

**MARK G. LAWSON, P.A.**

*P.O. Box 14043  
Tallahassee, Florida 32317-4043  
Facsimile (850) 807-2987*

*Mark G. Lawson  
Board-Certified in City, County and Local Government Law  
Telephone (850) 591-5630  
Email: [MLawson@MarkGLawson.com](mailto:MLawson@MarkGLawson.com)*

*James C. Dinkins  
James C. Dinkins, P.A., Of Counsel  
Telephone (239) 810-2682  
Email: [JDinkins@MarkGLawson.com](mailto:JDinkins@MarkGLawson.com)*

October 13, 2015

Matt Reynolds, Finance Director  
City of Palatka  
City Hall  
201 N. 2nd Street  
Palatka, Florida 32177

Re: Invoice Concerning Fire Service Assessment Work, and Offer to Reduce Professional Service Charges in Exchange for Business Opportunities to Further Assist the City

Dear Matt:

Please accept our gratitude to you, Chief Lambert and your City for the confidence placed in Mark G. Lawson, P.A. You now have an uncontested final judgment in favor of the City concerning the careful use of the fair and powerful public administration and budgetary tool also called 'Simplified Fire'.

As you know we have worked substantially at-risk throughout the entire process. We have now earned our recompense and it is time for us to be paid under our agreement with the City. Although we could fairly ask for full and prompt payment at this time, we instead are mindful of both (1) the City's continuing difficult financial circumstances as impressed upon us by your Mayor and City Commission and (2) the smart synergy of valuable continued business relationships. Accordingly, we see good business opportunity and seek to further serve, provide value to the City, and strengthen our business relationship. We do this because we see this as a means to implement economic development opportunities, serve the City, and make a fair living. That is essentially our business model.

Our invoice presented here has been adjusted to implement our proposal to continue to serve and have the opportunity to provide services to the City as follows:

1. It is predicated upon the City's immediate direction to proceed under Work Order 2015-2 (next step direct billing with bills going out in late October or early November, and associated timely transition work necessary to be prepared for the use of the uniform method of collection).

2. It is also predicated on the City's immediate direction to proceed under Work Order 2015-3 (concerning implementation of the transition to non-ad valorem collection method in FY 16-17, and repeated subsequent annual assistance for at least 2 more years.

Mark G. Lawson, P.A.

October 13, 2015

Page 2

3. It assumes the acceptance of our offer of courtesy discounts in the amount of \$9,067.00 for services rendered which the invoice shows as deducted from our charges.

4. It assumes the acceptance of our offer and your receipt of a 'challenge grant' from us (in the form of a further reduction in the amount of \$5,000 for services rendered which the invoice also shows as deducted from our charges) to spur economic development in a rural and low income community. This is done now to assist you in finding a local match to facilitate timely and initial engagement and only partially underwrite the introduction to a completely separate economic development initiative that could be advantageous to both the City and our firm.

5. It assumes approval of our invoice (and back-up documentation), and acceptance of our offer to also alleviate what would otherwise be immediate cash-flow pressure on the City to pay our invoice at this time by agreeing to defer full payment of the reduced balance due to us temporarily (without interest) until the sooner of either (1) incremental payment in full of the balance due under our invoice in amounts equivalent to one-half of all fire service assessment direct billing collections your receive - to be paid promptly as collections occur, until we are paid the entire balance due, or (2) March 31, 2016.

If you wish to proceed on the foregoing basis, please broach this with your leadership at the City and ask that the Mayor or another City official be authorized to sign below signifying agreement and send me a copy.

Sincerely,

Mark G. Lawson

cc: Terrill L. Hill, Mayor and Ex-officio Chair of the City Commission, City of Palatka, Florida  
Terry K. Suggs, City Manager, City of Palatka, Florida  
Mike Lambert, Chief, Fire Department, City of Palatka, Florida  
Betsy Driggers, City Clerk, City of Palatka, Florida  
Donald E. Holmes, City Attorney, City of Palatka, Florida  
James C. Dinkins, Mark G. Lawson, P.A.  
Candy Augustine, Ennead, LLC  
Erin Pomeroy, Ennead, LLC  
Dr. Owen Beitsh, GAI Consultants, Inc.

Approved and agreed to by the City of Palatka, Florida,  
this \_\_\_\_ day of October 2015.

---

Terrill L. Hill, Mayor

# Mark G. Lawson, P.A.

P.O. Box 14043  
Tallahassee, FL 32317-4043

PHONE: (850) 545-3269 FAX: (850) 897-2987 mlawson@markglawson.com

## INVOICE

INVOICE NUMBER: 2015-1013(1)

INVOICE DATE: 10/13/2015

City of Palatka  
Hon. Terrill L. Hill and  
Matt Reynolds, Finance Director and  
Acting Contract Administrator  
mreynolds@palatka-fl.gov,

Special Counsel - Simplified Fire Assessment

Development, Imposition and Validation, Work Order 2015-01

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
4/1/2015	Special Counsel	(Mark G. Lawson) Confer with J. Dinkins (from Belgium) concerning report structure. COURTESY DISCOUNT	0.30	\$295.00	\$88.50
4/1/2015	Special Counsel	(James C. Dinkins) VOIP conference with M. Lawson regarding development of report. COURTESY DISCOUNT	0.30	\$295.00	\$88.50
4/10/2015	Special Counsel	(Mark G. Lawson) Receive notice, proceed and provide directions to set up file; confer with staff and approved consultants. COURTESY DISCOUNT	0.50	\$295.00	\$147.50
4/13/2015	Special Counsel	(Mark G. Lawson) Meet in person with C. Augustine, E. Pomeroy and J. Dinkins and discuss project; provide directions and gain consensus on agreed-upon next steps over the next 10-20 days; discuss how to address anticipated ruling from Florida Supreme Court, and consequences of any rehearing period on critical events or implementation schedule for Palatka; separate work session with J. Dinkins.	1.70	\$295.00	\$501.50
4/13/2015	Special Counsel	(James C. Dinkins) Work sessions with E. Pomeroy, C. Augustine, and M. Lawson, together and separately, to allocate resources for development of work product on tight time schedule; begin development of overall product for delivery to City; prepare contingency plans for anticipated ruling from Supreme Court on Morris v. Cape Coral.	1.80	\$295.00	\$531.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
4/17/2015	Special Counsel	(Mark G. Lawson) Read prior files and re-read amicus brief, planning on critical events under assumption no Notice of Intent was issued prior to March 1, set aside notes and mark-ups in file, pending other work, budget and data analysis.	2.30	\$295.00	\$678.50
4/24/2015	Special Counsel	(Mark G. Lawson) Look at prior reports and suggest mark ups; update research.	2.30	\$295.00	\$678.50
4/25/2015	Special Counsel	(Mark G. Lawson) Meet with O. Beitsch in Tallahassee in morning; work on file in afternoon.	1.20	\$295.00	\$354.00
4/28/2015	Special Counsel	(Mark G. Lawson) Telephone call with C. Augustine data review in preparation for additional meeting at noon; meet with consultants and drafting in evening.	1.50	\$295.00	\$442.50
5/8/2015	Special Counsel	(Mark G. Lawson) Confer with C. Augustine; confer and meet with J. Dinkins concerning implementation preparation.	1.00	\$295.00	\$295.00
5/8/2015	Special Counsel	(James C. Dinkins) Short meeting with M. Lawson to discuss implementation options for fire service assessment.	0.30	\$295.00	\$88.50
5/9/2015	Special Counsel	(Mark G. Lawson) Review opinion and need to edit language concerning legal analysis in light of recent Supreme Court ruling; brief follow-up call to C. Augustine; Supreme Court opinion follows amicus brief filed by Mark G. Lawson, P. A.	1.50	\$295.00	\$442.50
5/11/2015	Special Counsel	(Mark G. Lawson) Telephone call with C. Augustine; receive and review draft of work product; set up meeting with O. Beitsch for Tuesday morning; work on implementation documentation in late evening.	3.20	\$295.00	\$944.00
5/12/2015	Paralegal/Legal Assistant	(K. Fraser) Work on documents list; agreement (GAI); additional edits/emails through day.	1.50	\$75.00	\$112.50
5/12/2015	Special Counsel	(Mark G. Lawson) Continue reviewing and editing base document in early morning; lengthy telephone conference with O. Beitsch.	2.00	\$295.00	\$590.00
5/12/2015	Special Counsel	(Mark G. Lawson) Editing and review of draft work product/executive summary.	1.00	\$295.00	\$295.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
5/13/2015	Special Counsel	(Mark G. Lawson) Continued review of work product; telephone call with O. Beitsch and C. Augustine; in-person meeting with O. Beitsch.	1.70	\$295.00	\$501.50
5/17/2015	Special Counsel	(Mark G. Lawson) Work on review and editing executive summary; work on critical events schedule and critical path; create implementation document list and customize; provide directions and request assistance from K. Fraser.	3.20	\$295.00	\$944.00
5/18/2015	Special Counsel	(Mark G. Lawson) Continued review of executive summary and send comments to C. Augustine; telephone conference with C. Augustine (2); research and draft footnote, ask J. Dinkins to verify and edit; initial cut of directory resolution sent to K. Fraser, with directions to work on customizing critical events schedule to Palatka.	2.60	\$295.00	\$767.00
5/19/2015	Paralegal/Legal Assistant	(K. Fraser) Work on directory resolution and CES; edits.	2.00	\$75.00	\$150.00
5/19/2015	Special Counsel	(Mark G. Lawson) Work on critical events schedule, directory resolution revision, and call with C. Augustine; reach out to Fire Chief and Finance Director for meeting or call; telephone call with O. Beitsch in evening.	2.70	\$295.00	\$796.50
5/19/2015	Special Counsel	(James C. Dinkins) Review, revise, and provide comments on narrow section of report to M. Lawson.	0.60	\$295.00	\$177.00
5/20/2015	Special Counsel	(Mark G. Lawson) Brief call with K. Fraser in preparation for call with City officials; call with M. Lambert and M. Reynolds to go over report timing and Supreme Court case filing/rehearing period circumstance, go over scheduling alternatives, and answer questions.	0.50	\$295.00	\$147.50
5/20/2015	Special Counsel	(Mark G. Lawson) Confer with C. Augustine, O. Beitsch, and then work on documentation in evening while in Davenport.	1.00	\$295.00	\$295.00
5/21/2015	Special Counsel	(Mark G. Lawson) Read transmittal of summary provisions in evening in hotel; comments.	0.60	\$295.00	\$177.00
5/24/2015	Special Counsel	(Mark G. Lawson) Work on preparation of critical events schedule and related matters.	1.20	\$295.00	\$354.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
5/25/2015	Special Counsel	(Mark G. Lawson) Work on CES; outlining alternatives (from notes with Matt Reynolds and Mike Lambert last week).	1.30	\$295.00	\$383.50
5/26/2015	Special Counsel	(Mark G. Lawson) Several telephone conferences with C. Augustine concerning report modification; confer with J. Dinkins and request input on recent Supreme Court decision; conferences with O. Beitsch concerning report, and set up work session for early Wednesday morning.	2.00	\$295.00	\$590.00
5/26/2015	Special Counsel	(James C. Dinkins) Discussion regarding recent supreme court decision with M. Lawson and how to address such decision in report.	0.40	\$295.00	\$118.00
5/27/2015	Paralegal/Legal Assistant	(K. Fraser) Work on CES and forward to M. Lawson.	0.20	\$75.00	\$15.00
5/27/2015	Paralegal/Legal Assistant	(K. Fraser) Collect and collate comments and revise CES accordingly; generate blacklines and send to M. Lawson.	1.00	\$75.00	\$75.00
5/27/2015	Special Counsel	(Mark G. Lawson) Work on critical event schedule with K. Fraser; early morning conference with O. Beitsch concerning executive summary.	1.40	\$295.00	\$413.00
5/27/2015	Special Counsel	(James C. Dinkins) Draft initial language for inclusion in report regarding supreme court decision in Morris v. Cape Coral.	1.40	\$295.00	\$413.00
5/28/2015	Paralegal/Legal Assistant	(K. Fraser) Revise CES and extensive multiple edits to executive summary.	2.00	\$75.00	\$150.00
5/28/2015	Special Counsel	(Mark G. Lawson) Assistance to GAI and Ennead in proofing and editing executive summary, reviewing exhibit A and exhibit B for evidentiary sufficiency, and providing further analysis of Morris; request additional review and assistance from J. Dinkins; telephone call with C. Augustine, followed by telephone call with O. Beitsch.	2.80	\$295.00	\$826.00
5/28/2015	Special Counsel	(James C. Dinkins) Provide additional revision and editing of portions of report dealing with supreme court decision and footnote distinguishing improvement value from taxation concepts.	0.80	\$295.00	\$236.00
5/29/2015	Paralegal/Legal Assistant	(K. Fraser) Multiple extensive edits to executive summary.	1.00	\$75.00	\$75.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
5/29/2015	Special Counsel	(Mark G. Lawson) Continued edits and changes; conversations with consultants; telephone Chief Lambert and advise of status, delivery scheduled for Saturday afternoon; confer with O. Beitsch and request and instructions to K. Fraser to turn next version by 1 PM Saturday.	2.00	\$295.00	\$590.00
5/30/2015	Special Counsel	(Mark G. Lawson) Carefully read and re-read; assemble and work on edits and revisions in early morning; in-person meeting with K. Fraser; finished in late afternoon, and circulated review draft to City officials and working group.	3.50	\$295.00	\$1,032.50
5/30/2015	Special Counsel	(Mark G. Lawson) Review critical events schedule, request input from C. Augustine and E. Pomeroy; separate request to J. Dinkins.	0.60	\$295.00	\$177.00
5/30/2015	Special Counsel	(James C. Dinkins) Review and provide detailed comments, line-by-line, on most recent draft of summary report; transmit same to M. Lawson for review.	2.00	\$295.00	\$590.00
6/7/2015	Special Counsel	(Mark G. Lawson) Telephone call with O. Beitsch in morning; text and email to reach out to C. Augustine looking for promised revisions.	0.50	\$295.00	\$147.50
6/8/2015	Special Counsel	(Mark G. Lawson) Telephone calls with C. Augustine (3), M. Lambert, M. Reynolds (2) and local attorney T. Hill; edit and revise report text and share with consulting professionals for review; request input on critical events schedule (CES), review upon receipt; confer with Haines City officials; and modify CES and directory resolution to better fit circumstances of City. COURTESY DISCOUNT 0.5 HOURS	4.50	\$295.00	\$1,327.50
6/9/2015	Paralegal/Legal Assistant	(K. Fraser) Research, and extensive edits to executive summary received throughout the day at direction of working group; forward to C. Augustine for insertion of tables; insert data and reformat tables to fit document; receive and work on additional edits from M. Lawson, C. Augustine and O. Beitsch throughout the day.	8.00	\$75.00	\$600.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
6/9/2015	Special Counsel	(James C. Dinkins) Draft additional problem-solving text for inclusion in preliminary report; transmit same to K. Fraser for inclusion in document revisions.	0.50	\$295.00	\$147.50
6/9/2015	Special Counsel	(Mark G. Lawson) Work session with J. Dinkins; edits to documentary evidence, directory resolution, CES and calls with C. Augustine (3), K. Fraser (2), and O. Beitsch.	1.60	\$295.00	\$472.00
6/9/2015	Special Counsel	(Mark G. Lawson) Convey directions from T. Hill and M. Reynolds to C. Augustine et al; review rate structure that maximizes relative improvement value and recovers less than the maximum amount per tax parcel; receive and reread completely entire report, directory resolution, and critical event schedule, provide final edits to K. Frasier et al.	2.00	\$295.00	\$590.00
6/9/2015	Special Counsel	(Mark G. Lawson) Telephone conference with O. Beitsch. COURTESY DISCOUNT	0.10	\$295.00	\$29.50
6/9/2015	Special Counsel	(Mark G. Lawson) Receive and review final edits late evening, after two telephone conferences with C. Augustine around 10 PM.	1.20	\$295.00	\$354.00
6/9/2015	Special Counsel	(James C. Dinkins) Work session with M. Lawson to draft CES and begin preparing strategy for addressing various documentation pieces.	0.90	\$295.00	\$265.50
6/11/2015	Special Counsel	(Mark G. Lawson) Meet with O. Beitsch and his assistant in GAI offices in Orlando; edits and revisions.	1.00	\$295.00	\$295.00
6/13/2015	Special Counsel	(Mark G. Lawson) Reviewed documents from Ennead, telephone call with C. Augustine; research on City Attorney and how to seek input.	0.50	\$295.00	\$147.50
6/17/2015	Special Counsel	(Mark G. Lawson) Lengthy conference call with City of Palatka officials.	0.50	\$295.00	\$147.50
6/18/2015	Special Counsel	(James C. Dinkins) Request assistance from K. Fraser for beginning setup of various documents; review documents needed against CES and exemplary validation proceeding.	0.50	\$295.00	\$147.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
6/19/2015	Paralegal/Legal Assistant	(K. Fraser) File review and document set work (complaint, final judgment, order to show cause, acknowledgment, assessment ordinance, directory resolution, annual assessment resolution, affidavit of clerk and note resolution).	2.00	\$75.00	\$150.00
6/19/2015	Paralegal/Legal Assistant	(K. Fraser) Work on first addendum to executive summary; monitor email concerning edits from O. Beitsch, C. Augustine and M. Lawson throughout day, and provide several revisions and responses.	3.00	\$75.00	\$225.00
6/20/2015	Special Counsel	(James C. Dinkins) Drafting work on Annual Assessment Resolution, including review of document set up by K. Fraser against City Charter, identify amounts and percentages to be set by City, comparison with executive summary report; format resolution for further review by City staff and City attorney.	3.40	\$295.00	\$1,003.00
6/21/2015	Special Counsel	(James C. Dinkins) Drafting work on Ordinance; consider findings in relation to executive summary report; streamline apportionment language; review against City Charter.	4.10	\$295.00	\$1,209.50
6/22/2015	Special Counsel	(Mark G. Lawson) Confirm meetings on Thursday; preparation for appearance and document set work.	3.30	\$295.00	\$973.50
6/23/2015	Special Counsel	(James C. Dinkins) Work session with M. Lawson to discuss progress on various draft documents and coordinate work efforts toward document finalization; evaluate progress in light of upcoming schedule items; continue consideration and drafting of language to include in Complaint for Validation, Ordinance, and initial Annual Resolution regarding recent update to case law concerning fire assessments.	3.50	\$295.00	\$1,032.50
6/23/2015	Special Counsel	(Mark G. Lawson) Prepare for and conduct telephone conference with City Attorney, Fire Chief, and Finance Director; subsequent conferences with C. Augustine, J. Dinkins, and O. Beitsch later in day; extensive research and work on addendum in response to local insight and direction from Contract Administrator in morning.	3.00	\$295.00	\$885.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
6/23/2015	Special Counsel	(Mark G. Lawson) Continued work on addendum, edits, revisions and various telephone calls to O. Beitsch, C. Augustine, M. Reynolds to confirm sufficiency within context of executive summary.	1.80	\$295.00	\$531.00
6/23/2015	Special Counsel	(Mark G. Lawson) Prepare work item list overview for J. Dinkins; share.	0.30	\$295.00	\$88.50
6/23/2015	Special Counsel	(James C. Dinkins) Interface with M. Lawson regarding input from City officials on executive summary report; discuss availability of additional options for funding levels and differential percentage balancing; additional review work..	0.80	\$295.00	\$236.00
6/23/2015	Special Counsel	Credit for Initial Retainer			(\$10,000.00)
6/28/2015	Special Counsel	(Mark G. Lawson) Quality control file review; confer with C. Augustine and J. Dinkins. COURTESY DISCOUNT	1.00	\$295.00	\$295.00
6/28/2015	Special Counsel	(James C. Dinkins) Status update call with M. Lawson	0.30	\$295.00	\$88.50
6/30/2015	Special Counsel	(Mark G. Lawson) Reach out to City administration concerning scheduling for next meeting; receive direction and continue work on implementation documents.	2.40	\$295.00	\$708.00
7/7/2015	Special Counsel	(James C. Dinkins) Drafting work on Complaint for validation; review exemplary documents and case law regarding same; drafting work surrounding City of Cape Coral circumstance.	3.80	\$295.00	\$1,121.00
7/8/2015	Special Counsel	(Mark G. Lawson) Extensive work on revising critical events schedule as directed by City staff; prepare for re-scheduled meeting addressing Directory Resolution; telephone conference with M. Lambert; edit and transmit in evening.	2.50	\$295.00	\$737.50
7/9/2015	Special Counsel	(Mark G. Lawson) Travel to Palatka from Orlando, meet with T. Hill, meetings with various City staff; attend and participate in City Commission meeting where Directory Resolution is adopted; return travel to Tallahassee (prorated).	5.80	\$295.00	\$1,711.00
7/10/2015	Paralegal/Legal Assistant	(K. Fraser) Edit and revise, reformat ordinance; forward to M. Lawson.	1.00	\$75.00	\$75.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
7/10/2015	Paralegal/Legal Assistant	(K. Fraser) Edit and revise, reformat 2 resolutions.	0.50	\$75.00	\$37.50
7/10/2015	Special Counsel	(James C. Dinkins) Review ch. 75, Florida Statutes; e-mail to and telephone call with M. Lambert to request equipment quotation for use in development of note resolution.	0.30	\$295.00	\$88.50
7/10/2015	Special Counsel	(James C. Dinkins) Assemble materials, review calendar schedules, draft, proof and revise notices for publication regarding adoption of fire assessment ordinance and assessment resolution; confer with M. Lawson.	3.10	\$295.00	\$914.50
7/10/2015	Special Counsel	(Mark G. Lawson) Work on updating assessment ordinance further.	1.50	\$295.00	\$442.50
7/10/2015	Special Counsel	(Mark G. Lawson) Finalize and provide notice for publication to M. Reynolds.	0.50	\$295.00	\$147.50
7/10/2015	Special Counsel	(Mark G. Lawson) Work on reviewing and adjusting final judgment first, in terms of preparation for validation.	1.20	\$295.00	\$354.00
7/10/2015	Special Counsel	(Mark G. Lawson) Late evening work on drafting implementation related documents.	1.30	\$295.00	\$383.50
7/10/2015	Special Counsel	(James C. Dinkins) Prepare notices for ordinance and public hearing on assessment resolution.	2.60	\$295.00	\$767.00
7/10/2015	Special Counsel	(James C. Dinkins) Drafting work on Note Resolution, leaving blank spot for amount; cross-check with City Charter.	2.50	\$295.00	\$737.50
7/11/2015	Paralegal/Legal Assistant	(K. Fraser) Edit and revise, reformat complaint and final judgment.	2.50	\$75.00	\$187.50
7/11/2015	Special Counsel	(Mark G. Lawson) Continue document revision to insert new rates, emails to Ennead concerning government property institutional category roll; communications with City Clerk by email; delivered documents prepared in anticipation of litigation for review.	3.00	\$295.00	\$885.00
7/11/2015	Special Counsel	(James C. Dinkins) Continue drafting and revision work on Complaint for validation; significant drafting work on Final Judgment; send Complaint edits and FJ text to K. Fraser for formatting.	5.60	\$295.00	\$1,652.00
7/13/2015	Special Counsel	(Mark G. Lawson) Set up conference call in the afternoon. COURTESY DISCOUNT	0.30	\$295.00	\$88.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
7/13/2015	Special Counsel	(Mark G. Lawson) Work session on comparison of final judgment complaint and AAR; confer with C. Augustine about website related materials.	1.40	\$295.00	\$413.00
7/13/2015	Special Counsel	(Mark G. Lawson) Create boilerplate for interlocal with governments for Mayor. COURTESY DISCOUNT	0.50	\$295.00	\$147.50
7/13/2015	Special Counsel	(Mark G. Lawson) Initial draft of volunteerism agreement for institutional property owners. COURTESY DISCOUNT	0.70	\$295.00	\$206.50
7/13/2015	Special Counsel	(Mark G. Lawson) Confer with E. Pomeroy concerning quick search and set up.	0.30	\$295.00	\$88.50
7/14/2015	Paralegal/Legal Assistant	(K. Fraser) Generate interlocal agreements (government and institution). COURTESY DISCOUNT	1.50	\$75.00	\$112.50
7/14/2015	Special Counsel	(Mark G. Lawson) As directed, request extraordinary subset roll from E. Pomeroy (refined from last week's version provided to M. Reynolds); work on partial relief agreements for institutional and governmental parcels in morning. COURTESY DISCOUNT	1.20	\$295.00	\$354.00
7/14/2015	Special Counsel	(Mark G. Lawson) Various telephone calls and communications with City Clerk and Finance Director concerning advertising and implementation.	0.40	\$295.00	\$118.00
7/16/2015	Special Counsel	(Mark G. Lawson) Finalize and send ordinance to Clerk; confer with E. Pomeroy concerning quick search site; follow up with J. Dinkins concerning information placed on quick search site.	1.20	\$295.00	\$354.00
7/16/2015	Special Counsel	(James C. Dinkins) Interface with M. Lawson regarding status and content of City website relative to Fire Service Assessments. COURTESY DISCOUNT	0.30	\$295.00	\$88.50
7/17/2015	Special Counsel	(James C. Dinkins) Draft and review language for inclusion on website explaining fire assessment process and QuickSearch website.	2.30	\$295.00	\$678.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
7/17/2015	Special Counsel	(Mark G. Lawson) Confirmed quick-search site us accessible via Internet again this morning, and confirm with City officials that quick-search site (assessment roll) is also available through access via computer/Internet terminals at City Hall whole website link is being attended to; various conferences with B. Driggers, and M. Reynolds, J. Dinkins, and E. Pomeroy.	1.00	\$295.00	\$295.00
7/19/2015	Special Counsel	(Mark G. Lawson) Work on website information and provide directions to E. Pomeroy in the evening. COURTESY DISCOUNT	1.30	\$295.00	\$383.50
7/20/2015	Special Counsel	(James C. Dinkins) E-mails with E. Pomeroy and M. Reynolds to finalize website text and ensure placement on Palatka website of long-form published notice.	0.70	\$295.00	\$206.50
7/20/2015	Special Counsel	(Mark G. Lawson) Work on content for website and assist M. Reynolds and E. Pomeroy .	1.30	\$295.00	\$383.50
7/22/2015	Special Counsel	(James C. Dinkins) Collect and review common language from AAR, Complaint, and Proposed Final Judgment; standardize common language for inclusion in all three to avoid doubt; transmit edited documents to K. Fraser for across-the-board inclusion.	2.80	\$295.00	\$826.00
7/23/2015	Paralegal/Legal Assistant	(K. Fraser) Incorporate A through AA from Complaint into Final Judgment; forward to J. Dinkins.	0.50	\$75.00	\$37.50
7/23/2015	Special Counsel	(Mark G. Lawson) Brief update telephone conference with Chief Lambert. COURTESY DISCOUNT	0.30	\$295.00	\$88.50
7/24/2015	Special Counsel	(Mark G. Lawson) Review work product and critical event schedule in light of positive first reading vote yesterday. COURTESY DISCOUNT	1.30	\$295.00	\$383.50
7/27/2015	Paralegal/Legal Assistant	(K. Fraser) Blackline final judgment and complaint at request of J. Dinkins; forward same to J. Dinkins.	0.50	\$75.00	\$37.50
7/27/2015	Special Counsel	(Mark G. Lawson) Continued review of draft final judgment, and provide request for statement that Tax Collector and Property Appraiser have nothing to do with imposition of the fire service assessment.	0.30	\$295.00	\$88.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
7/27/2015	Special Counsel	(James C. Dinkins) Make minor changes to common findings/allegations in AAR, Complaint, and Final Judgment; transmit same to K. Fraser for comparison and inclusion in all documents. COURTESY DISCOUNT	0.70	\$295.00	\$206.50
7/28/2015	Special Counsel	(Mark G. Lawson) Work on final judgment review, communications with J. Dinkins; work on institutional and governmental property related interlocal agreements; confer with E. Pomeroy as a result of M. Reynolds' request; directions concerning object of note resolution. COURTESY DISCOUNT 1.0 HOURS	2.40	\$295.00	\$708.00
7/28/2015	Special Counsel	(James C. Dinkins) Review final judgment language with M. Lawson. COURTESY DISCOUNT	0.40	\$295.00	\$118.00
7/28/2015	Special Counsel	(James C. Dinkins) Review Sutphen Pumper quote; communicate with vendor via e-mail. COURTESY DISCOUNT.	0.20	\$295.00	\$59.00
7/28/2015	Special Counsel	(James C. Dinkins) Prepare AAR, Complaint, and FJ for review by D. Holmes, including additional round of edits and identification of "blanks" to fill in from previous drafts.	1.40	\$295.00	\$413.00
7/29/2015	Paralegal/Legal Assistant	(K. Fraser) Multiple extensive edits/revisions to alternative funding agreement over several hours; revise and forward to M. Lawson.	2.50	\$75.00	\$187.50
7/29/2015	Special Counsel	(Mark G. Lawson) Work on institutional property alternative agreement and send to M. Reynolds; meet in Tallahassee with E. Pomeroy and J. Dinkins; edit document. COURTESY DISCOUNT	1.00	\$295.00	\$295.00
7/29/2015	Special Counsel	(James C. Dinkins) Meet with M. Lawson and E. Pomeroy to discuss pending City issues, including strategy for dealing with institutional/church parcels. COURTESY DISCOUNT	1.20	\$295.00	\$354.00
7/29/2015	Special Counsel	(James C. Dinkins) Compile, review, and transmit draft Complaint, AAR, and FJ to D. Holmes via e-mail.	0.90	\$295.00	\$265.50
7/30/2015	Special Counsel	(James C. Dinkins) Review series of documents for possible typo carryover identified by B. Driggers. COURTESY DISCOUNT.	0.50	\$295.00	\$147.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
7/31/2015	Special Counsel	(Mark G. Lawson) Consume most of the morning dealing with proofing, editing agenda and related emails, and completing and sending work and 90% complete 'institutional volunteerism agreement'. COURTESY DISCOUNT 1.0 HOUR	3.30	\$295.00	\$973.50
7/31/2015	Special Counsel	(James C. Dinkins) Review, incorporate M. Lawson suggestions, and transmit documents to B. Driggers for inclusion in agenda on expedited basis.	0.80	\$295.00	\$236.00
8/1/2015	Special Counsel	(Mark G. Lawson) Carefully review agenda as published, double check outline or checklist for hearing (including volunteerism agreement), and start to review validation proceeding documents in late evening. COURTESY DISCOUNT 0.3 HOURS	1.30	\$295.00	\$383.50
8/2/2015	Paralegal/Legal Assistant	(K. Fraser) Work on alternative payment agreement. COURTESY DISCOUNT	1.00	\$75.00	\$75.00
8/2/2015	Special Counsel	(Mark G. Lawson) Continued validation proceeding document review in preparation for upcoming week.	1.80	\$295.00	\$531.00
8/3/2015	Special Counsel	(Mark G. Lawson) Edit and revise institutional alternative payment agreement; provide roll of institutional tax parcels and cover email to City officials. COURTESY DISCOUNT 0.5 HOURS	2.00	\$295.00	\$590.00
8/4/2015	Special Counsel	(Mark G. Lawson) Meet with J. Dinkins; work session and review documents for validation proceeding.	1.80	\$295.00	\$531.00
8/4/2015	Special Counsel	(Mark G. Lawson) Brief update call with M. Reynolds. COURTESY DISCOUNT	0.30	\$295.00	\$88.50
8/4/2015	Special Counsel	(James C. Dinkins) Work session with M. Lawson concerning Complaint for Validation and request documents needed from City Clerk.	0.80	\$295.00	\$236.00
8/5/2015	Special Counsel	(James C. Dinkins) Proofing toward finalizing Complaint for Validation in preparation for e-filing after adoption of the annual assessment resolution.	1.10	\$295.00	\$324.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
8/5/2015	Special Counsel	(Mark G. Lawson) Prepare complaint for filing, including calls and emails with City Clerk, Finance Director, City officials and the Palatka and Daytona State Attorney's offices; research, prepare and provide responses to several inquiries and advice (provided in anticipation of litigation) concerning exemptions and provide citations to authority for legal, notification and policy purposes; follow up on responses concerning ministerial activities of property appraiser and tax collector and collection processes.	4.00	\$295.00	\$1,180.00
8/6/2015	Paralegal/Legal Assistant	(K. Fraser) Generate initial table of contents for Judge's notebook; email correspondence to M. Lawson; revise and resend to M. Lawson	1.30	\$75.00	\$97.50
8/6/2015	Paralegal/Legal Assistant	(K. Fraser) Research and draft of initial Order to Show Cause; forward to M. Lawson.	1.50	\$75.00	\$112.50
8/6/2015	Special Counsel	(James C. Dinkins) Continued work on the Complaint for Validation for e-filing; stopped work when AAR was tabled. COURTESY DISCOUNT 0.3 HOURS	1.80	\$295.00	\$531.00
8/6/2015	Special Counsel	(Mark G. Lawson) Finalize and send Clerk's certificate to B. Driggers.	1.00	\$295.00	\$295.00
8/6/2015	Special Counsel	(Mark G. Lawson) Telephone calls and emails with T. Kelly, M. Johnson and K. Olmsted at State Attorney's offices; work on documents for validation filing; confer with J. Dinkins and B. Driggers before leaving Tallahassee.	1.70	\$295.00	\$501.50
8/6/2015	Special Counsel	(Mark G. Lawson) Drive to Palatka, work with J. Dinkins, K. Fraser, C. Cavallaro while in transit, confer with appropriate officials; attend and provide presentational information, advice, and counsel in two back-to-back public hearings (1PM TO 8PM).	7.00	\$295.00	\$2,065.00
8/7/2015	Special Counsel	(Mark G. Lawson) Advise State Attorney that no complaint will be filed this morning, and seek future availability dates.	0.20	\$295.00	\$59.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
8/7/2015	Special Counsel	(Mark G. Lawson) Recap memo, schedule review, and mark up resolution to allow for no or lowered percentage fire service assessment for Institutional properties, fax from hotel; return travel and confer with assessment professionals involved while in transit.	2.70	\$295.00	\$796.50
8/9/2015	Special Counsel	(James C. Dinkins) Research and provide advice to M. Lawson regarding notice requirements for special meeting to ensure compliance with Sunshine laws.	1.00	\$295.00	\$295.00
8/11/2015	Special Counsel	(Mark G. Lawson) Telephone call from M. Reynolds and J. Scruggs and advise on notice; telephone call from B. Driggers seeking additional advice concerning meeting to adopt annual assessment resolution, work on resolution revisions evening.	1.30	\$295.00	\$383.50
8/16/2015	Special Counsel	(Mark G. Lawson) File review, comments concerning update of Complaint and preparation for separate supplemental meeting following public hearing.	0.70	\$295.00	\$206.50
8/17/2015	Special Counsel	(James C. Dinkins) Modify Complaint to reflect special meeting circumstance; incorporate changes by M. Lawson; communicate with B. Driggers regarding resolution numbering.	2.40	\$295.00	\$708.00
8/17/2015	Special Counsel	(Mark G. Lawson) File review in preparation for next meeting. COURTESY DISCOUNT	1.50	\$295.00	\$442.50
8/18/2015	Special Counsel	(James C. Dinkins) Provide non-watermarked copy of executive summary addendum to B. Driggers for inclusion in courtesy packet for judge; additional direction and condemnation work to B. Driggers regarding certification of additional documents surrounding special meeting circumstance. COURTESY DISCOUNT	0.90	\$295.00	\$265.50
8/18/2015	Special Counsel	(James C. Dinkins) Coordinate with B. Driggers to arrange for publication of Order to Show Cause.	0.40	\$295.00	\$118.00
8/18/2015	Special Counsel	(James C. Dinkins) Call with M. Lawson regarding outcome of special meeting and to discuss filing of Complaint; finalize Complaint and exhibit package; attempt to e-file Complaint (County system not working).	2.30	\$295.00	\$678.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
8/18/2015	Special Counsel	(Mark G. Lawson) In morning, prepare advice memorandum concerning exemption alternatives; prepare alternative resolution language.	1.20	\$295.00	\$354.00
8/18/2015	Special Counsel	(Mark G. Lawson) Travel to Palatka to attend supplemental public meeting/hearing; work on validation filing preparation after meeting; call to State Attorney's offices to clear calendars (1:30PM - 8:30PM). COURTESY DISCOUNT 3.5 HOURS	7.00	\$295.00	\$2,065.00
8/19/2015	Special Counsel	(James C. Dinkins) Interface with Putnam County Clerk's office to facilitate correction of e-filing error; file Complaint for validation; coordinate with M. Lawson to obtain hearing date. COURTESY DISCOUNT 0.2	1.20	\$295.00	\$354.00
8/19/2015	Special Counsel	(Mark G. Lawson) Work through e-filing portal issues with County IT; calls with City Attorney, County Clerk's office, J. Dinkins, and judicial assistant; work with City Clerk to prepare notebooks for State and Court; meet with M. Johnson and City Attorney after obtaining Order to Show Cause and date for validation proceeding; confirm advertising on an expedited basis with B. Driggers; return travel (prorated).	7.00	\$295.00	\$2,065.00
8/20/2015	Special Counsel	Expense with receipt: Credit for Sept. 18 adjusted hotel bill, M.Lawson.			(\$15.00)
8/21/2015	Special Counsel	(James C. Dinkins) Telephone conference with M. Lawson to discuss Answer of State Attorney; correspond and associated work with Assistant State Attorney to provide form of Answer.	0.50	\$295.00	\$147.50
8/21/2015	Special Counsel	(Mark G. Lawson) Review State Attorney answer; check schedule; review status of memo of law. COURTESY DISCOUNT	0.20	\$295.00	\$59.00
8/24/2015	Special Counsel	(Mark G. Lawson) Received call from newspaper reporter and supplied case citation and authority for power to impose assessments on religious or other tax exempt properties; update to client on reporter comment attributed to Southern Baptist minister, who is also a member of the Florida House of Representatives, on recommendation of suit - not withstanding Florida Supreme Court ruling to the contrary. COURTESY DISCOUNT	0.50	\$295.00	\$147.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
8/25/2015	Special Counsel	(Mark G. Lawson) Update and review work concerning memorandum of law.	1.00	\$295.00	\$295.00
8/27/2015	Special Counsel	(Mark G. Lawson) Respond to request from A. Aikins concerning legal basis and structure for rates imposed upon otherwise tax-exempt properties; notify and advise M, Reynolds et al of explanation. COURTESY DISCOUNT	0.50	\$295.00	\$147.50
8/30/2015	Special Counsel	(Mark G. Lawson) Review memo of law status; prepare/schedule plan for follow up with M. Johnson.	0.40	\$295.00	\$118.00
8/31/2015	Paralegal/Legal Assistant	(K. Fraser) Assistance with expedited memorandum of law at request of J. Dinkins; forward document to J. Dinkins.	1.50	\$75.00	\$112.50
8/31/2015	Special Counsel	(James C. Dinkins) Work to finalize draft of Memorandum of Law; transmit to K. Fraser for additional formatting; telephone conference with M. Lawson to discuss phone call from state attorney's office; continued work following K. Fraser work and formatting.	4.10	\$295.00	\$1,209.50
8/31/2015	Special Counsel	(Mark G. Lawson) Receive call from M. Johnson and D. Smith (call was pleasant, but raised prospect of political intimations); answered all questions, pointed out legally incorrect analysis or predicate in questions from D. Smith, provided legal authority for all City actions, and agreed to expedite provision of memorandum of law; careful follow-up email in evening.	1.30	\$295.00	\$383.50
8/31/2015	Special Counsel	(Mark G. Lawson) Confer with J. Dinkins to expedite memo of law; outline additional provisions in response to antagonistic policy-related questions posed by State.	0.80	\$295.00	\$236.00
9/1/2015	Special Counsel	(James C. Dinkins) Complete draft of memorandum of law; review comments from M. Lawson and incorporate, along with redrafting; transmit to M. Lawson for final review; correspond with E. Pomeroy to confirm status of condos in City; telephone conferences with M. Lawson to discuss progress; finalize document and file using electronic filing system; courtesy copy to JA.	5.10	\$295.00	\$1,504.50

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
9/1/2015	Special Counsel	(Mark G. Lawson) Research, drafting and work sessions with J. Dinkins on memo of law revisions throughout day to address in particular unfounded comments by D. Smith; telephone call to M. Johnson in afternoon to collegially suggest that the State be cautious to avoid policy analysis in a legal proceeding; litigation strategy advice and recap to client.	2.50	\$295.00	\$737.50
9/2/2015	Special Counsel	(Mark G. Lawson) Follow-up emails to State, and client; invite attendance of K. Small to validation proceeding next week. COURTESY DISCOUNT	0.50	\$295.00	\$147.50
9/5/2015	Special Counsel	(James C. Dinkins) Draft joint stipulation; discuss same with M. Lawson; transmit to M. Lawson for review; research into plausibility of handling transcript or minutes at show cause hearing; develop strategy for same.	2.10	\$295.00	\$619.50
9/7/2015	Special Counsel	(James C. Dinkins) Make changes to proposed final judgment to reflect new dates, etc. from Complaint; transmit same to M. Lawson for review; organize filed versions of documents for reference at hearing.	0.80	\$295.00	\$236.00
9/7/2015	Special Counsel	(Mark G. Lawson) Work sessions with J. Dinkins to push out joint stipulation to State on Labor Day in conformance with section 75.05(1), Florida Statutes.	0.80	\$295.00	\$236.00
9/8/2015	Special Counsel	(James C. Dinkins) Develop outline for presentation and documentation at show cause hearing; correspond with court and State Attorney regarding proposed final judgment.	4.20	\$295.00	\$1,239.00
9/8/2015	Special Counsel	(Mark G. Lawson) Document review and various quality control conversations with J. Dinkins in preparation for validation hearing on Thursday. COURTESY DISCOUNT	1.50	\$295.00	\$442.50
9/8/2015	Special Counsel	Cost of photocopying or printing (estimated), in black and white, per page: set of documents in preparation for hearing on Order to Show Cause; J. Dinkins	523.00	\$0.15	\$78.45

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
9/9/2015	Special Counsel	(James C. Dinkins) Travel to attend hearing; finalize preparation while traveling and afterward; discuss final strategy and preparation with T. Hill and M. Lawson. COURTESY DISCOUNT 1.3	3.00	\$295.00	\$885.00
9/9/2015	Special Counsel	(Mark G. Lawson) Travel to Palatka from Orlando (prorated); meet with J. Dinkins, K. Small, and T. Hill in evening. COURTESY DISCOUNT 2.5 HOURS	4.20	\$295.00	\$1,239.00
9/9/2015	Special Counsel	Mileage driven on behalf of client, calculated using mileage rates as determined by the Internal Revenue Service. Drive to Palatka for hearing. J. Dinkins	113.00	\$0.575	\$64.98
9/9/2015	Special Counsel	Expense with receipt: Gas for rental car, Sept 8 - 10 trip, M. Lawson. (prorated)			\$7.22
9/10/2015	Special Counsel	(James C. Dinkins) Final preparation for, attend, and process final judgment from Order to Show Cause Hearing; return travel from hearing. COURTESY DISCOUNT 1.0	7.00	\$295.00	\$2,065.00
9/10/2015	Special Counsel	(Mark G. Lawson) QC work with J. Dinkins and B. Driggers to prepare documentary evidence for submission to court; communicate with D. Holmes, and determine his assistant did not schedule court reporter, work to obtain court reporter; conduct validation hearing, and work with court and Clerk of Courts to obtain "rendered" final judgment and certified copy; follow-up communications with client, and return travel (prorated).	7.00	\$295.00	\$2,065.00
9/10/2015	Special Counsel	Mileage driven on behalf of client, calculated using mileage rates as determined by the Internal Revenue Service. Travel within Palatka and return to Orlando from Show Cause hearing. J. Dinkins	117.00	\$0.575	\$67.28
9/10/2015	Special Counsel	Expense with receipt: Lodging, Sept 9 - 10, M. Lawson.			\$92.12
9/10/2015	Special Counsel	Expense with receipt: Lodging, Sept 9 - 10, J. Dinkins.			\$92.12
9/10/2015	Special Counsel	Expense with receipt: Filing fee, complaint, M. Lawson.			\$27.95
9/10/2015	Special Counsel	Expense with receipt: Gas for rental car, Sept 8 - 10 trip, M. Lawson. (prorated)			\$8.00

DATE	PROFESSIONAL	DESCRIPTION	QTY	RATE	AMOUNT
9/11/2015	Special Counsel	Expense with receipt: Rental car, Sept. 8 - 10 trip, M. Lawson. (prorated)			\$58.25
9/30/2015	Special Counsel	Thomson Reuters/WESTLAW (pro-rated availability of unlimited access).			\$150.00
9/30/2015	Special Counsel	Cost of photocopying or printing (estimated), in black and white, per page.	2,500.00	\$0.15	\$375.00
10/6/2015	Data Consultant	Authorized professional services rendered by ENNEAD, LLC. See separate invoice attached for back up.			\$13,860.00
10/6/2015	Economist Expert	Authorized professional services rendered by GAI Consultants, Inc. See separate invoice attached for back up.			\$3,125.00
		COURTESY DISCOUNT			(\$9,067.00)
		Total before discount			\$77,482.37
		Challenge Grant- Rural LIC (to encourage NMTC attraction/participation)			(\$5,000.00)
		Total amount of this invoice			\$72,482.37



**Ennead LLC**

ENNEAD LLC

City of Palatka  
 c/o Mark G. Lawson, P.A.  
 201 North 2nd Street  
 Palatka, Florida 32177

<b>Date</b>	<b>Invoice #</b>
10-06-2015	15-Palatka-03

<b>Project Title: 2015-2016 Fire Services Assessment</b>	<b>Hourly Billing Detail</b>
<b>Tax ID# 03-0453944</b>	
<b>Project Description: Fire Funding Program Support Recap (Work Order Tasks 1 through 14)</b>	

Date	Work Log and Description	Hours/Each	Hourly Rate or Lump Sum Fee	Fee
4/13/15 - 4/15/15	Meetings with MGL P.A. and G.A.I.; Initial research; Identify project materials which will be required, prepare request for information and send to the City	6.0	\$165.00	\$990.00
4/28/15	Consultant meeting	1.0	\$165.00	\$165.00
5/08/15 - 5/12/15	Work session with MGL P.A.; Phone call with Chief Lambert to discuss training and certificate requirements and existing funding sources	3.0	\$165.00	\$495.00
5/12 - 5/18/15	Research Putnam County records to identify taxing authority codes for the City of Palatka, download data files and set up database in MS Access, develop improvement values for all parcels with the City, identify rate classes and remove non-assessable parcels from the data list, set improvement value to \$10,000,000 for parcels with initial improvement values exceeding \$10,000,000. Segregate parcels owned by Governmental or Institutional entities. Find median and average improvement values for single family residential parcels, choose example parcels for inclusion in the Executive Summary.	24.0	\$165.00	\$3,960.00
5/18/15 - 5/20/15	Extensive work on first draft of the Executive Summary for review by G.A.I.; Extensive research and calculations and provide statistical values for inclusion in the Executive Summary	16.0	\$165.00	\$2,640.00
5/28/15	Add 90%, 50%, 40%, 30%, 20% Funding Scenarios to the Executive Summary at the request of MGL P.A.	5.0	\$165.00	\$825.00
5/28/15	Update draft to include edits by G.A.I., submit revised draft of Executive Summary to MGL P.A.	3.0	\$165.00	\$495.00
6/2/15	Submit multiple funding scenarios to Matt Reynolds for preliminary consideration by the City	4.0	\$165.00	\$660.00
6/08/15 and 6/09/15	Numerous conferences and research concerning implementation scheduling; Report editing and updating	7.0	\$165.00	\$1,155.00
6/12/15	Finalize edits, funding scenario for the Executive Summary	7.0	\$165.00	\$1,155.00
7/9/15	Revise rates at the request of the Mayor and City Commission (rates not specified in the Executive Summary), based on phone call from MGL P.A.	2.0	\$165.00	\$330.00
7/28/15	List all Institutionally-owned parcels and determine the buy-down amount based on 50% assessment on the tax bill; Revise the buy-down Scenario based on reduction of assessment to be imposed directly on Institutionally-owned parcels	3.0	\$165.00	\$495.00
8/7/15	Research Institutional Parcel (42-10-27-6850-2690-0000) at the request of Matt Reynolds	3.0	\$165.00	\$495.00
	Total for hourly billing from April through August 7, 2015			\$13,860.00
	Credit for payment from retainer to ENNEAD from MGLPA			- \$5,000.00
	Credit for payment from retainer to GAI from MGLPA			- \$3,125.00

# Invoice



August 05, 2015

Project No: A150675.02

Invoice No: 2093137

Ennead LLC  
Ms. Candace Augustine  
1892 Myrick Road  
Tallahassee, FL 32303

Project A150675.02 Ennead: City of Palatka - Review Executive Summary

Work Order#15-Pal-WO-02

**Professional Services from June 14, 2015 to July 11, 2015**

**Professional Personnel**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
CSG Senior Director				
Beitsch, Owen	12.50	250.00	3,125.00	
Totals	12.50		3,125.00	
<b>Total Labor</b>				<b>3,125.00</b>
<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	3,125.00	0.00	3,125.00	
Limit			4,470.00	
Remaining			1,345.00	
		<b>Total this Invoice</b>		<b>\$3,125.00</b>



Business Gold Rewards Card / September 1, 2015 to September 30, 2015

Date	Description	Amount	Prorated
09/09/2015	7-ELEVEN 32857 00073KISSIMMEE FL	28.89	7.22
09/10/2015	GATE 1194 QTALLAHASSEE FL	32.02	8.00
09/10/2015	HOLIDAY INN EXPRESS PALATKA FL	92.12	
09/10/2015	HOLIDAY INN EXPRESS PALATKA FL	92.12	
09/10/2015	MYFLORIDACOUNTY.COM TALLAHASSEE FL	27.95	
09/11/2015	NATIONAL CAR RENTAL MIAMI FL	233.00	58.25

**FIRE SERVICE ASSESSMENT  
WORK ORDER No. 2015-2**

**TO:** Mark G. Lawson, P.A.  
Attention: Mark G. Lawson and James C. Dinkins

**FROM:** Terry Suggs, City Manager  
City of Palatka, Florida

**1. SCOPE OF SERVICES.** In accord with direction and authorization from the City Commission, Mark G. Lawson, P.A. (the "Firm" or "MGLPA") has been and is directed and authorized to assist City staff and officials to facilitate finalization and direct billing of the Fire Service Assessment roll, including the following tasks:

Task 1. Engage with necessary consultants approved by the City, the City Clerk and Finance Department and other City staff and officials to be prepared to provide for immediate individual direct billing.

Task 2. Accordingly, facilitate and cause the update the non-ad valorem assessment roll which includes all tax parcels proposed for assessment through a turn-key direct bill design, generation and direct mailing for every tax parcel to be assessed. This will be done using approved consultants and will be a separate expense approved by the Contract Administrator within the Work Order Budget.

Task 3. Collaborate with City Staff and officials to provide, develop and update as needed a detailed critical events schedule including key dates for necessary actions and deliverables.

Task 4. Provide assistance, as requested with documenting and implementing the prospect of hardship payment deferral, allowance for monthly payment and collection on an interim basis December 2015 through March 2016, developing means for the City Commission and Mayor to seek voluntary payment or contribution from property owners otherwise not subjected to payment for a fair share of fire protection costs.

Task 5. Provide educative and update text and analysis and advice concerning communications through the City's website; and reflect the updated assessment roll on the quick search feature.

Task 6. Be prepared to travel to and meet individually with City staff and officials, elected officials and the City Attorney to address in person (or by conference call) if requested in a series of educative sessions or conferences, the pros, cons, nuances, public relations, legal, practical and financial implications of collection processes and the relevant

aspects of program implementation – both short and long term, to better understand and employ the collections alternatives and protocols. Continue to collegially evaluate and share how the City is staffed and positioned to assume or manage operational control of the program, so that the program increasingly becomes understood, repeatable and cost effective in future revenue cycles. Field and, if necessary, further research, every question and promptly provide answers and advise based upon the demonstrated experience of all of the professionals involved.

Task 7. Reasonably prepare in advance ordinances, resolution(s) or other documents necessary to authorize and initiate the process required for the special assessment to transition to the uniform non-ad valorem collection method. This is to be done so that if the City Council proceeds the City can proceed immediately. Facilitate required and timely mailed and publication notices with City staff and officials. The direct bills shall notify that a public hearing on the subsequent year assessments will be on April 14, 2016. Undertake to assist City staff and officials in implementing the relevant City ordinance and resolutions already in place.

Task 8. Engage with consultants, the City Clerk and Finance Department and other City staff and officials to provide a reminder notice in the case of non-payment as required by the relevant ordinance when using the direct billing method; and, depending upon direction provide additional and extraordinary individually mailed notice as a part of transition of billing methods.

**2. ACKNOWLEDGMENT OF USE OF NECESSARY CONSULTANTS.** Pursuant to the Professional Services Agreement, the City directs and authorizes the continued use GAI Consultants, Inc. ("GAI") (f/k/a Real Estate Research Consultants, Inc.), Ennead, LLC ("Ennead"), as needed, and Municipal Code Corporation (through its "MCCa" division) for the purpose of extending, printing, and mailing the direct billing. In such capacity, GAI, Ennead and MCCa shall not be deemed clients or subcontractors of the Firm, but also in privity with the City.

**3. COMPENSATION.** To be hourly for MGLPA (time and materials), and hourly or negotiated fee for Ennead and GAI, as approved by the Contract Administrator (based upon previously approved hourly rates), and a negotiated fee or quote-basis for MCCa. The amounts and charges for Ennead and MCCa associated with printing and mailing will likely be required to be paid by the City in advance of production.

In addition to such rates for professional services, the professionals shall be entitled to reimbursement for actual costs reasonably incurred, but not exceeding that provided by Chapter 112, Florida Statutes.

The foregoing does not cover amounts for the cost of published notices, fees or charges of the property appraiser or tax collector, or any expenses not expressly addressed herein necessary for collection (particularly in using the traditional or direct billing method) all of which are and

will be the responsibility of the City, or any additional work not described above or for other work orders or engagements.

**4. WORK ORDER BUDGET.** The initial budget appropriation for this Work Order shall be the amount of \$27,500 for professional fees, services and expenses. The City acknowledges that this is an estimate and that an additional budget appropriation may be required.

Authorized by:

And accepted by:

\_\_\_\_\_  
Title: Contract Administrator

\_\_\_\_\_  
Mark G. Lawson, P.A.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**WORK ORDER**  
**No. 2015-03**

**TO:** Mark G. Lawson, P.A.  
Attention: Mark G. Lawson and James C. Dinkins

**FROM:** Terry Suggs, City Manager  
Palatka, Florida

**1. SCOPE OF SERVICES.** In accordance with the direction of the City Commission on or about October 22, 2015, Mark G. Lawson, P.A. ("MGLPA") has been and is directed and authorized to:

Task 1. Cause to be acquired and analyze relevant data and documentation including master parcel list, millage coding documentation, fire protection budget information provided, interlocal agreements, fire and assessment related statutes, ordinances and resolutions provided to determine those expenses which may be lawfully recovered through a fixed and variable cost recovery special assessment on a per tax parcel basis, sometimes called "Simplified Fire".

Task 2. Develop a preliminary non-ad valorem assessment roll including all tax parcels proposed for assessment.

Task 3. Consider and analyze case law and general law requirements and deadlines; and collaborate with approved consultants, City staff and officials to develop a detailed critical events schedule including key dates for necessary actions and deliverables.

Task 4. Prepare and present to the City Commission, City Manager, City Attorney and Fire Chief an updated executive summary report summarizing the budget analysis, proposing an apportionment methodology in detail and providing an array of funding (amount) alternatives or recommendations as directed by the City Manager and Fire Chief.

Task 5. Prepare any updated ordinance, implementing resolution(s) or other documents authorizing and initiating the process required for the special assessment program.

Task 6. If requested, appear before the City Commission to present any required implementing documents or resolutions.

Task 7. Update non-ad valorem assessment roll according to direction of the City Commission.

Task 8. Facilitate required notices with City staff; and at the City's request, additionally make available an interactive means of roll presentation via the internet from a link to the City's website (as a separate expense or cost) so all interested persons may view all the assessments.

Task 9. Prepare an annual assessment resolution levying assessments, approving the assessment roll and directing the use of the uniform method beginning with the 2016-17 fiscal year.

Task 10. If requested, appear and assist the City Commission with any public hearing to present the assessment resolution; and, adoption thereof.

Task 11. Facilitate timely compliance with statutory prerequisites and reasonable local requirements necessary for collection of the assessments on the annual property tax bill.

2. **ACKNOWLEDGMENT OF USE OF NECESSARY CONSULTANTS.** The City directs, authorizes and confirms collaboration with Dr. Owen Beitsch an economist practicing with GAI Consultants, Inc. ("GAI"), and Ennead, LLC ("Ennead") for the purpose of working with the City and MGLPA to develop and implement the subject funding program. In such capacity, GAI and Ennead shall not be deemed clients or subcontractors of MGLPA, but also in privity with the City

3. **COMPENSATION; TERM.** Fees will be based upon hourly rates as follows:

(A)	MGLPA	\$295 per hour
(B)	GAI	\$250 per hour
(C)	Ennead	\$165 per hour

In addition to such rates, the professionals shall be entitled to reimbursement for actual costs incurred, but not exceeding that provided by Chapter 112, Florida Statutes.

The Firm, GAI and Ennead recognize the financial circumstances facing Florida communities and local governments in the wake of the recent national economic downturn and the reduction in tax and other revenues emanating from a general decline in property values, and continuing success and familiarity as a result of the Simplified Fire approach. Accordingly, the City and the firms have agreed to undertake the work effort contemplated hereunder based upon an annual negotiated fee as follows:

(a) The firms will undertake all of the foregoing tasks for a single initial lump sum professional services fee of \$20,000 to be paid in two (2) equal installments – one within fifteen (15) days of delivery of the executive summary report described in Task 4; and the second within fifteen (15) days of the delivery of a certifiable roll to the City for delivery by the City to the tax collector.

(b) The City shall additionally pay all reasonable costs incurred by the firms on a monthly basis (upon provision of appropriate reimbursement back-up and detail for audit purposes);

(c) The firms shall submit itemized hourly statements for all work associated with any additional services beyond this Scope of Services on a monthly basis, only if and when the firms are directed to proceed in writing; and

(d) This authorization and Work Order shall continue from year to year with Task 1 work beginning in March each year, unless either party notifies the other in writing otherwise on or before March 1.

All invoices will provide appropriate reimbursement backup and detail required by the City for audit purposes. The fees associated with this Work Order reflect a fixed and circumstantial discount warranted by the maturity of the City's program, the City's direction and continued intent to hereafter collect same using the tax bill collection method authorized by section 197.3632, Florida Statutes.

The foregoing negotiated fee structure does not cover amounts for the time and cost of authorized or requested travel, published notices, printing or mailing, fees or charges of the property appraiser or tax collector, or similar expenses associated with assessment implementation, roll presentation via the internet, transcription fees or filing fees all of which will be the responsibility of the City, or any additional work not described above or for other engagements.

**4. WORK ORDER BUDGET.** The annual budget appropriation for this Work Order shall be the amount of \$25,000 (\$20,000 lump sum fee and a budgeted allowance for \$5,000 in demonstrated expenses). The City acknowledges that additional costs and fees for any additional services authorized in writing by the City may require an additional budget appropriation.

Authorized and confirmed by:

Accepted and confirmed by:

\_\_\_\_\_  
Title: Contract Administrator

\_\_\_\_\_  
Mark G. Lawson, P.A.

Date:

Date:

cc: GAI  
Ennead



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**RESOLUTION** authorizing the submission of a USDA Community Facilities Grant Application for the Palatka Gas Authority Hastings Extension - Adopt

### **SUMMARY:**

Palatka Gas Authority (PGA) provides natural gas services to the City of Palatka and its surrounding areas. The PGA is seeking approval from the City to submit a United States Department of Agriculture (USDA) Community Facility Grant application for the following project. Over the past several years PGA has received numerous requests from residential, commercial and industrial businesses in Hastings, Florida and the areas immediately surrounding Hastings.

PGA has identified and or spoke with at least 10 residential customers and 7 significant commercial / industrial customers. There is potential for well over 200 additional customers.

PGA has existing facilities in East Palatka that can be extended Northeast on SR 207 to provide service to those customers presently requesting natural gas service. This will involve the installation of approximately 47,000' of 4" and 2" distribution facilities along with the associated service lines at an estimated cost of \$379,000. The main installations and the initial services would be completed by contractor personnel and inspected by PGA employees. Subsequent service installation would be completed by PGA personnel. All meter sets and final connections would be by PGA personnel. PGA staff would be responsible for all grant administration.

### **RECOMMENDED ACTION:**

**Adopt the resolution authorizing the submission of a USDA Community Facilities Grant Application for the Palatka Gas Authority Hastings Extension**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Grant Resolution	Resolution
▢ Hastings Extension Location Map	Backup Material
▢ Grant Application	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Grants & Projects	Griffith, Jonathan	Approved	10/7/2015 - 8:20 AM

**RESOLUTION No. 2015 – 11 -**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING AN APPLICATION FOR A UNITED STATES  
DEPARTMENT OF AGRICULTURE GRANT FOR THE PALATKA  
GAS AUTHORITY HASTINGS EXTENSION AND AUTHORIZING  
EXECUTION AND SUBMITTAL OF ALL NECESSARY  
DOCUMENTS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Palatka Gas Authority has received numerous requests from residential, commercial and industrial businesses in Hastings, Florida and the areas immediately surrounding Hastings; and

**WHEREAS**, the Gas Authority has existing facilities in East Palatka that can be extended Northeast on SR 207 to provide service to those customers presently requesting natural gas service; and

**WHEREAS**, this will involve the installation of approximately 47,000' of 4" and 2" distribution facilities along with the associated service lines at an estimated cost of \$379,000 (the PROJECT); and

**WHEREAS**, the City Commission deems it necessary to apply for a United States Department of Agriculture Rural Development Grant in the amount of \$200,000 and a local match of \$179,000 for the PROJECT and

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Palatka Florida:

1. The City of Palatka shall apply for a Rural Development grant from the United States Department of Agriculture (USDA) with a total project cost of \$379,000, with the USDA funding \$200,000 of the total project cost, and the City of Palatka Gas Authority providing a contribution of \$179,000, with the proceeds of said grant being utilized for the extension of gas lines from East Palatka to Hastings;
2. The Mayor authorized to execute any and all documents necessary and required by USDA to file the Grant Application referred to in Section 1 above, and to confirm the City's assurance that the City will comply, as appropriate, with those requirements under Title VI, Civil Rights Act of 1964, Drug-Free Workplace Regulations and Equal Opportunity Regulations, and any other Federal regulations as may be required by USDA;
3. The Mayor is specifically authorized to execute any and all documents necessary to consummate the grant; and
4. That the Gas Authority General Manager is hereby designated as the City's authorized representative in carrying out the City's responsibilities under the grant agreement.

**PASSED AND ADOPTED** by the Palatka City Commission this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

\_\_\_\_\_  
**By: Its MAYOR**

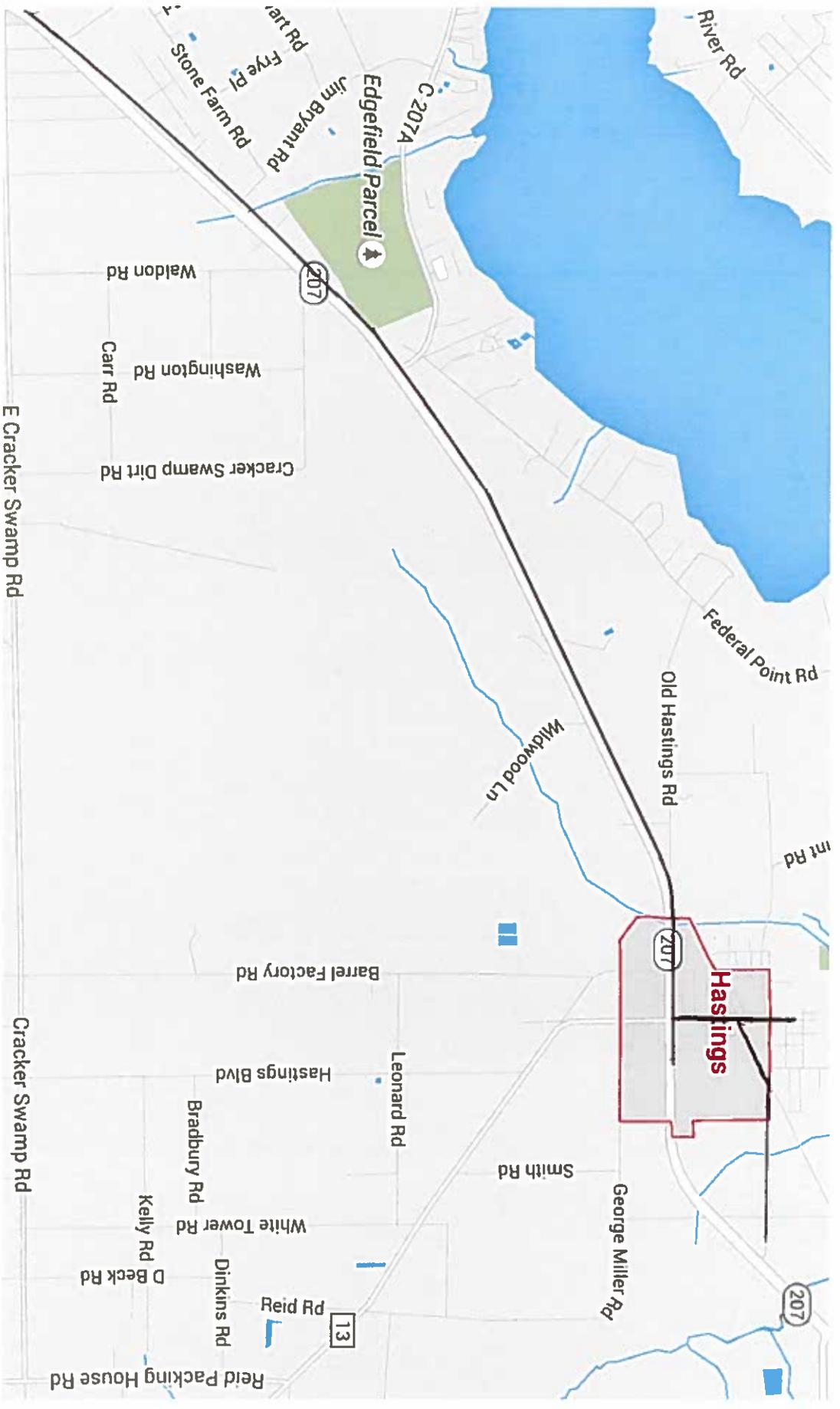
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CITY ATTORNEY**

Hastings, FL 32145  
Hastings, FL 32145



**APPLICATION FOR  
FEDERAL ASSISTANCE**

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Pre-application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	<b>2. DATE SUBMITTED</b>	Applicant Identifier
			<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
			<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>				
Legal Name: City of Palatka		Organizational Unit: Department: Palatka Gas Authority		
Organizational DUNS: 010595445		Division:		
<b>Address:</b> Street: PO Box 1081		Name and telephone number of person to be contacted on matters involving this application (give area code)		
City: Palatka		Prefix:	First Name: Donald	
County: Putnam		Middle Name E		
State: FL		Zip Code: 32178-1081	Last Name Kilner	
Country: United States		Suffix:		
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 5 9 - 6 0 0 0 4 0 1		Email: dkilner@palatkgas.org		Phone Number (give area code) 386-328-1591
				Fax Number (give area code) 386-325-9373
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types) C- Municipal Other (specify)		
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE (Name of Program): Community Facilities 1 0 - 7 6 6		<b>9. NAME OF FEDERAL AGENCY:</b> USDA Rural Development		
<b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b> City of Palatka		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> Palatka Gas Haslings Extension		
<b>13. PROPOSED PROJECT</b> Start Date: 11/1/2015		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant    b. Project		
Ending Date: 9/31/2017				
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>		
a. Federal	\$ 200,000.00	a. Yes <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON		
b. Applicant	\$ 179,000.00	DATE:		
c. State	\$ .00	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
d. Local	\$ .00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
e. Other	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>		
f. Program Income	\$ .00	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
g. TOTAL	\$ .00			
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>				
<b>a. Authorized Representative</b>				
Prefix	First Name		Middle Name	
Last Name			Suffix	
b. Title Mayor			c. Telephone Number (give area code) 386-329-0103	
d. Signature of Authorized Representative			e. Date Signed	

## INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:																
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.																
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).																
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.																
4.	Enter Date Received by Federal Agency Federal Identifier number. If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project.																
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.																
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.																
7.	Select the appropriate letter in the space provided. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled</td> </tr> <tr> <td>B. County</td> <td>Institution of Higher Learning</td> </tr> <tr> <td>C. Municipal</td> <td>J. Private University</td> </tr> <tr> <td>D. Township</td> <td>K. Indian Tribe</td> </tr> <tr> <td>E. Interstate</td> <td>L. Individual</td> </tr> <tr> <td>F. Intermunicipal</td> <td>M. Profit Organization</td> </tr> <tr> <td>G. Special District</td> <td>N. Other (Specify)</td> </tr> <tr> <td>H. Independent School District</td> <td>O. Not for Profit Organization</td> </tr> </table>	A. State	I. State Controlled	B. County	Institution of Higher Learning	C. Municipal	J. Private University	D. Township	K. Indian Tribe	E. Interstate	L. Individual	F. Intermunicipal	M. Profit Organization	G. Special District	N. Other (Specify)	H. Independent School District	O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
A. State	I. State Controlled																		
B. County	Institution of Higher Learning																		
C. Municipal	J. Private University																		
D. Township	K. Indian Tribe																		
E. Interstate	L. Individual																		
F. Intermunicipal	M. Profit Organization																		
G. Special District	N. Other (Specify)																		
H. Independent School District	O. Not for Profit Organization																		
8.	Select the type from the following list: <ul style="list-style-type: none"> <li>• "New" means a new assistance award.</li> <li>• "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>• "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter:  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> </li> </ul>	A. Increase Award	B. Decrease Award	C. Increase Duration	D. Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)												
A. Increase Award	B. Decrease Award																		
C. Increase Duration	D. Decrease Duration																		
9.	Name of Federal agency from which assistance is being requested with this application.																		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.																		

**BUDGET INFORMATION - Construction Programs**

*NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.*

COST CLASSIFICATION	a. Total Cost			b. Costs Not Allowable for Participation			c. Total Allowable Costs (Columns a-b)			
1. Administrative and legal expenses	\$	750.00	\$	.00	\$	750.00	\$	.00	\$	750.00
2. Land, structures, rights-of-way, appraisals, etc.	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
3. Relocation expenses and payments	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
4. Architectural and engineering fees	\$	9,250.00	\$	.00	\$	9,250.00	\$	.00	\$	9,250.00
5. Other architectural and engineering fees	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
6. Project inspection fees	\$	30,000.00	\$	.00	\$	30,000.00	\$	.00	\$	30,000.00
7. Site work	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
8. Demolition and removal	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
9. Construction	\$	339,000.00	\$	.00	\$	339,000.00	\$	.00	\$	339,000.00
10. Equipment	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
11. Miscellaneous	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
12. SUBTOTAL (sum of lines 1-11)	\$	379,000.00	\$	0.00	\$	379,000.00	\$	.00	\$	379,000.00
13. Contingencies	\$	.00	\$	.00	\$	.00	\$	.00	\$	.00
14. SUBTOTAL	\$	379,000.00	\$	0.00	\$	379,000.00	\$	.00	\$	379,000.00
15. Project (program) income	\$	0.00	\$	.00	\$	0.00	\$	.00	\$	0.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$	379,000.00	\$	.00	\$	379,000.00	\$	.00	\$	379,000.00

**FEDERAL FUNDING**

17. Federal assistance requested, calculate as follows:  
 (Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c. Multiply X \_\_\_\_\_%  
 Enter the resulting Federal share. \$ 0.00

## INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

*Column a.* - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

*Column b.* - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

*Column.* - This is the net of lines 1 through 16 in columns "a." and "b."

---

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

**ASSURANCES - CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE Mayor	
APPLICANT ORGANIZATION City of Palatka		DATE SUBMITTED October 5, 2015

Form RD 442-3  
(Rev. 3-97)

Name City of Palatka - Gas Authority

**BALANCE SHEET**

Address PO Box 1081  
Palatka, FL 32178-1081

	08-30-2015			09-30-2014		
	Month	Day	Year	Month	Day	Year
<b>ASSETS</b>						
<b>CURRENT ASSETS</b>						
1. Cash on hand in Banks .....	\$60,218.00			\$50,574.00		
2. Time deposits and short-term investments .....	\$817,014.00			\$1,113,682.00		
3. Accounts receivable .....	\$145,202.00			\$81,791.00		
4. Less: Allowance for doubtful accounts .....	( )			( )		
5. Inventories .....	\$55,999.00			\$75,950.00		
6. Prepayments .....				\$4,003.00		
7. ....						
8. ....						
9. Total Current Assets (Add 1 through 8)	\$1,078,433.00			\$1,326,000.00		
<b>FIXED ASSETS</b>						
10. Land .....	\$168,872.00			\$168,872.00		
11. Buildings .....	\$1,416,127.00			\$1,413,599.00		
12. Furniture and equipment .....	\$281,114.00			\$221,234.00		
13. Infrastructure .....	\$5,910,152.00			\$5,091,141.00		
14. Less: Accumulated depreciation .....	( \$2,894,013.00 )			( \$2,725,773.00 )		
15. Net Total Fixed Assets (Add 10 through 14)	\$4,882,252.00			\$4,169,073.00		
<b>OTHER ASSETS</b>						
16. ....						
17. ....						
18. Total Assets (Add 9, 15, 16 and 17)	\$5,960,685.00			\$5,495,073.00		
<b>LIABILITIES AND EQUITIES</b>						
<b>CURRENT LIABILITIES</b>						
19. Accounts payable .....	\$88,908.00			\$84,930.00		
20. Notes payable .....						
21. Current portion of USDA note .....						
22. Customer deposits .....	\$262,440.00			\$250,925.00		
23. Taxes payable .....						
24. Interest payable .....						
25. Compensated Absences > 1-year .....	\$8,577.00			\$8,577.00		
26. ....						
27. Total Current Liabilities (Add 19 through 26)	\$359,925.00			\$344,432.00		
<b>LONG-TERM LIABILITIES</b>						
28. Notes payable USDA .....	\$0.00			\$0.00		
29. ....						
30. ....						
31. Total Long-Term Liabilities (Add 28 through 30)	\$0.00			\$0.00		
32. Total Liabilities (Add 27 and 31)	\$359,925.00			\$344,432.00		
<b>EQUITY</b>						
33. Retained earnings .....	\$6,296,440.00			\$6,411,184.00		
34. Memberships .....						
35. Total Equity (Add lines 33 and 34)	\$6,296,440.00			\$6,411,184.00		
36. Total Liabilities and Equity (Add lines 32 and 35)	\$6,656,365.00			\$6,755,616.00		

CERTIFIED CORRECT

Date

Appropriate Official (Signature)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0015. The time required to complete this information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**REQUEST FOR ENVIRONMENTAL INFORMATION**

Name of Project	Palatka Gas Hastings Extension
Location	City of Palatka

- Item 1a.** Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?  
 Yes  No  Copy attached as EXHIBIT I-A.
- 1b.** If "No," provide the information requested in Instructions as EXHIBIT I.
- Item 2.** The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office.  Yes  No Date description submitted to SHPO \_\_\_\_\_
- Item 3.** Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist).

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Dunes.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Commercial.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Estuary.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Residential.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Wetlands.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Agricultural.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Floodplain.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Grazing.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23. Wilderness..... (designated or proposed under the Wilderness Act)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Mining, Quarrying.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. Wild or Scenic River..... (proposed or designated under the Wild and Scenic Rivers Act)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Forests.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. Historical, Archeological Sites..... (Listed on the National Register of Historic Places or which may be eligible for listing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Recreational.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Critical Habitats..... (endangered/threatened species)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Transportation.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Wildlife.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Parks.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. Air Quality.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Hospital.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. Solid Waste Management.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Schools.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. Energy Supplies.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Open spaces.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Natural Landmark..... (Listed on National Registry of Natural Landmarks)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Aquifer Recharge Area.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	32. Coastal Barrier Resources System.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Steep Slopes.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
16. Wildlife Refuge.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
17. Shoreline.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
18. Beaches.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

**Item 4.** Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities?  Yes  No

\_\_\_\_\_  
(Date)

Signed: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
(Title)

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0094. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

## EXHIBIT 1 – Form RD 1940-20

### PRIMARY BENEFICIARIES

Existing businesses that will benefit from this project will include several restaurants, laundry facility, an apartment complex, and a State Youth Academy. Natural gas will assist in lowering utility bills for existing businesses and is an environmentally friendly energy source.

In addition, natural gas availability to the Hastings area will assist economic development in the commercial and industrial sectors. Natural gas is a highly sought after energy in many industrial, manufacturing and processing businesses.

### AREA DESCRIPTION

Infrastructure installation will be primarily limited to road and street rights of way. The only facilities installed outside of a road or street right of way will be to those businesses requesting service. Each such customer will be required to provide a small corridor, on their property, to install facilities to serve their location (normally adjacent to paved parking). No environmentally sensitive areas will be disturbed.

### PUBLIC REACTION

The Hastings Project was started with the Gas Authority receiving requests for natural gas service from businesses and residences. Prior to the start of this project a press release will be initiated with the local newspaper and the local business community will be advised.

### ALTERNATIVES TO THE PROPOSED PROJECT

The Gas Authority investigated numerous designs and location alternatives and chose the best option to minimize impacts to the local traffic, businesses and road rights of way.

### MITIGATION MEASURES

As indicated above the facilities will primarily be installed within road and street rights of way; road surfaces will not be disturbed and horizontal directional drilling will be utilized in areas of high traffic.

# APPLICANT CERTIFICATION OF PRIOR INDEBTEDNESS

\_\_\_\_\_  
Date

Area Director  
USDA/Rural Development

Dear Sir/Madame:

This is to certify that the following constitute all of the outstanding obligations (bonded) indebtedness or otherwise, exclusive of operative expense which are liens upon the revenue of the Gas Authority, City of Palatka.

*(insert none, if there are no RD funded outstanding obligations)*

<u>Date of Issue</u>	<u>Total Amt of Issue</u>	<u>Int. Rate</u>	<u>Amount Outstanding Principle as of</u>	<u>Name of Bond Holder</u>	<u>Status of Lien 1<sup>st</sup>. 2<sup>nd</sup>, etc.</u>
___ None ___	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____

\_\_\_\_\_  
(Mayor or Chairman)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Attorney)

(Revised 03/07)

## PRELIMINARY ENVIRONMENTAL INFORMATION

Will the proposed project affect the important land resources? No

If Yes, please indicate which lands will be affected.

FLOODPLAIN \_\_\_\_\_

WETLANDS \_\_\_\_\_

IMPORTANT FARMLANDS \_\_\_\_\_

PRIME FOREST LANDS \_\_\_\_\_

PRIME RANGELANDS \_\_\_\_\_

\_\_\_\_\_  
CITY OFFICIAL OR CHAIRMAN

\_\_\_\_\_  
DATE

**PURPOSE:** This guide will provide Rural Development with a general knowledge of what important land resources, if any, will be affected by the proposed project

**Attachment to Legal Services Agreement  
Local Counsel**

Owner City of Palatka Gas Authority Phone 386 329 0100

Attorney Donald E. Holmes, P.A. Phone 386 328 1111

Project Name Palatka Gas Authority Hastings Extension

<b>Itemization of Services Provided and Fee Charged:</b>	<b># of Hours</b>	<b>\$ Per Hour</b>	<b>Total</b>
1. Review of USDA Grant Contract	2	\$150	\$300
2. Review of Construction Contracts	2	\$150	\$300
4. Other	1	\$150	\$150
<b>TOTAL</b>			<b>\$750.00</b>

\_\_\_\_\_  
Owner Signature (date)

\_\_\_\_\_  
Attorney Signature (date)

Committed to the future of rural communities.

\*USDA is an equal opportunity provider, employer and lender.  
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD).



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**PUBLIC HEARING/ORDINANCE** - 163 Comfort Road - Planning Board recommendation to annex and assign residential land use and zoning to parcel - Pumpcrete America, Inc., Owner; Palatka Building & Zoning Dept., Applicant.

**\*a. ANNEXATION ORDINANCE** - 2nd Reading, Adopt

**\*b. FUTURE LAND USE MAP AMENDMENT ORDINANCE** - Adopt

**\*c. REZONING ORDINANCE** - 2nd Reading, Adopt

### **SUMMARY:**

This is the adoption of an ordinance annexing 163 Comfort Road into the City limits and also ordinances assigning the RL (Residential Low) Future Land Use Map (FLUM) and R-1A zoning designations to this parcel. This is a voluntary annexation.

### **RECOMMENDED ACTION:**

**Adopt ordinance annexing 163 Comfort Road into the City, ordinance assigning the RL (Residential Low) FLUM designation to the property, and ordinance assigning R-1A (Single-Family Residential) zoning to the property.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Annexation Ordinance	Backup Material
▣ Future Land Use Map Amendment Ordinance	Backup Material
▣ Rezoning Ordinance	Backup Material
▣ Staff Report	Backup Material
▣ Planning Board Minutes	Backup Material
▣ Powerpoint Presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 2:53 PM
City Clerk	Driggers, Betsy	Approved	10/8/2015 - 8:12 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:25 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:28 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:40 AM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 163 COMFORT ROAD, LOCATED IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Pumpcrete America Inc., and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

STINWELL SUBURBAN FARMS MB2 P39 PT OF LOT 7 OR776 P1171 (Being 163 Comfort Road)/tax parcel # 37-09-26-0000-0060-0067), a 1.09-acre parcel.

**Section 2.** The property hereby annexed shall remain subject to the Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

**Section 3:** That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

**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 October 22, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**City Attorney**

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM PUTNAM COUNTY IN (INDUSTRIAL) TO CITY RL (RESIDENTIAL LOW) FOR 163 COMFORT ROAD, LOCATED IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: Pumpcrete America, Inc., for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1)(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on August 4, 2015 and recommended approval of this amendment to the City Commission, and

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

**Section 1. Adopted Small Scale Amendment**

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
37-09-26-0000-0060-0067	1.09	County IH (Heavy Industrial)	RL (Residential, Low)
DESCRIPTION OF PROPERTY: STINWELL SUBURBAN FARMS MB2 P39 PT OF LOT 7 OR776 P1171 (Being 163 Comfort Road)			

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

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 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

By: \_\_\_\_\_  
Its Mayor

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY IH (INDUSTRIAL HEAVY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 163 COMFORT ROAD (SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 163 Comfort Road (Pumpcrete American, Inc.) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on August 4, and two public hearings before the City Commission of the City of Palatka on October 8, 2015 and October 22, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

STINWELL SUBURBAN FARMS MB2 P39 PT OF LOT 7 OR776 P1171 (Being 163 Comfort Road)/ tax parcel # 37-09-26-0000-0060-0067)

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** 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 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**



Case 15-30: 163 Comfort Rd.

Request to Annex, Amend Future Land Use Map and Rezone

Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** July 24, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

To annex, amend FLUM, and rezone the property below from County industrial to City (single-family) residential. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). (There is a companion amendment for this property for the developed site to the west to be rezoned from residential to industrial (the property already has industrial land use, which “trumps” zoning.) City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (property outlined in red, properties within City shown with purple overlay)



Figure 2: photo taken from Comfort Rd: from right to left: Crystal Cove subdivision (wooded area), 161 Comfort Rd (Pumpcrete Inc.), 163 Comfort Rd (wooded/vacant lot behind 161), and 171 Comfort Rd. (Keuka Energy)

**APPLICATION BACKGROUND**

The property under consideration currently has a County mixed-use Future Land Use Map (FLUM) designation and heavy industrial zoning. The property is a wooded and undeveloped lot, located behind Pumpcrete, a concrete contracting business which specializes in floors, footings, foundations, retaining walls, and driveways associated with new construction. The property and its current and proposed FLUM and zoning classifications are shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
IN (Industrial)	RL (Residential, Low)	IH (Industrial, Heavy)	R-1A (Single-Family Residential)

The owner is voluntarily annexing into the City and contemplates utilizing this rear lot as a residential dwelling. An access easement from Comfort Rd. through the Pumpcrete property would provide access for the dwelling.

Staff is presenting these applications as administrative actions, as opposed to an action by each property owner, due to the rationale presented below.

1. Revenue Recovery. The taxes collected from this property will defray the administrative expense of the annexation fairly quickly.
2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

**PROJECT ANALYSIS**

**Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.”

**Contiguity.** F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. As indicated in Figure 1, the property is contiguous to the City limits, which are to the south and north.

**Compactness.** The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the property meets the standard of compactness as it does not create an enclave, pocket, or finger area, as evidenced by the map to the right.



Figure 3: Vicinity (purple-shaded properties are in City)

### **Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

#### Policy A.1.9.3

##### A. Land Use Districts

##### 1. Residential

*Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*

Low Density (1730 acres) - provides for a range of densities up to 5 units per acre.

**Staff Comment:** the property is now in the County's Industrial FLUM category, which allows nonresidential uses limited by a Floor Area Ratio of 1.0<sup>1</sup> and a maximum impervious surface<sup>2</sup> ratio of 85%. The City's RL FLUM has much lower development intensity, represented by a maximum lot coverage (by buildings and paved/impervious area) of 35%. Finally Municipal Code Section 94-111(b) allows the R-1A zoning category within the RL land use category, which provides direct Comprehensive Plan category conformance.

<sup>1</sup> Floor Area Ratio is a measurement of intensity defined as the size of the property divided by the square footage of a building. For example a FAR of 1.0 allows a building of 43,560 square foot on a lot of the same size.

<sup>2</sup> Impervious surface is the area that will not absorb rainwater, including paved areas, building areas, and pond/water areas.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines (within Comfort Rd. right-of-way). The north end of sewer service is the Crystal Cove subdivision, so this property cannot receive sewer service without an extension up Comfort Rd. The property has city water service – the water line continues around 650 feet north of this property and ends at a master meter that serves a County water system in the Bargeport area.

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on these developed sites.

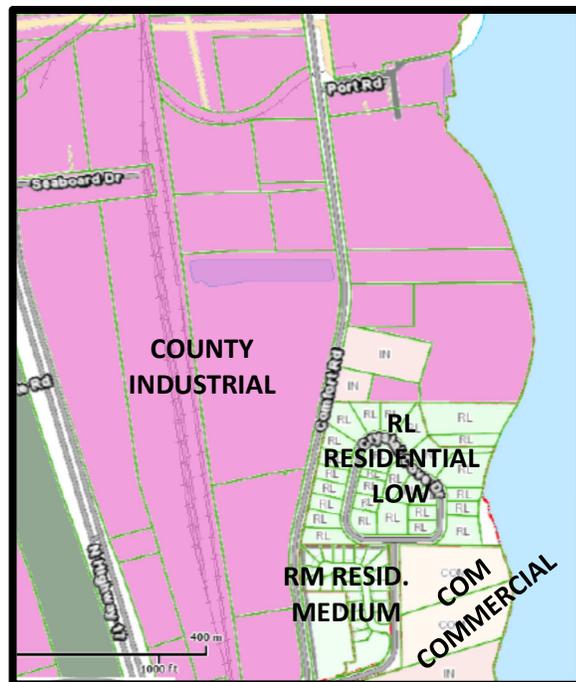


Figure 3: Vicinity (purple-shaded properties are in City)

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. This action does not represent urban sprawl.

**Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** in zoning terms the property is located in a transitional area between the very intensive industrial uses and low intensive residential uses, not to mention a riverfront resort. One of the problems with the historical lack of coordination between City and County is the clash of land uses like this without an element of transitional (less intense) zoning and even open space and buffers serving to reduce noise, traffic, dust, and odor impacts. As this lot is adjacent to residential uses it will help to buffer the three adjacent residential uses from industrial use impacts.

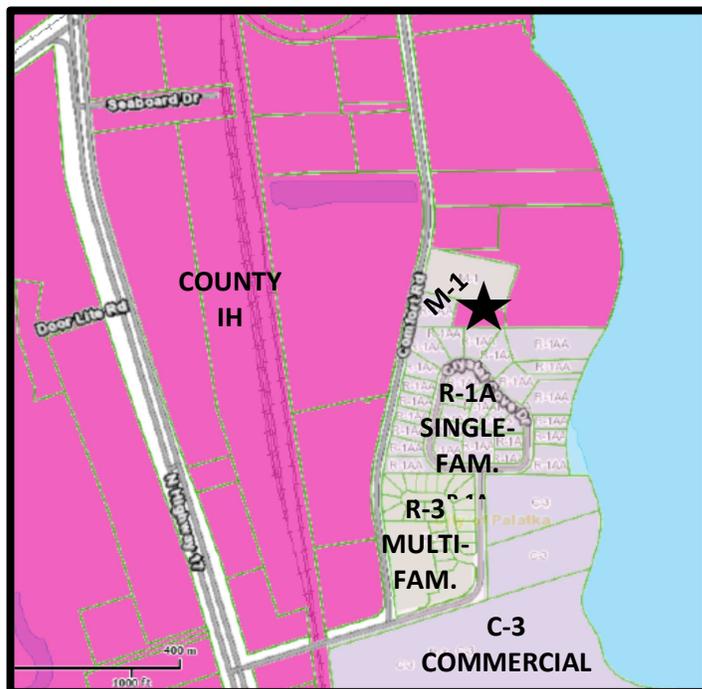


Figure 4: Vicinity Zoning

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** while properties to the north, east, and west have industrial zoning, properties to the south have single-family residential zoning. Therefore no isolated zoning district would be created.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** a single-family home would have minimal impacts on public facilities.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** see response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** not applicable.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** Comfort Rd. is a 1.3 mile loop off US 17, in the far north of the City. This road is not on the County's list of arterial and collector roadways subject to annual traffic counts. Staff would characterize Comfort Rd. as a minor collector, carrying traffic from US 17 to the Crystal Cove resort, Crystal Cove Subdivision, 1<sup>st</sup> Coast Technical College and multiple industrial uses in the Bargeport area. Traffic is generally light. These amendments would reduce trips dramatically from a potential industrial use with higher traffic including trucks, to the light impacts of a single-family home.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** this project must meet St. Johns River Water Management District and City drainage requirements, containing much of its stormwater on site.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** single-family development, by its nature and due to the lot coverage control, will not reduce light and air to adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** Staff does not believe that changing the allowable use of this property from industrial to residential will not adversely affect property values, in fact it is likely that it will positively affect the values of the adjacent residential lots.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the changes will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to property that are similar to the designation of surrounding properties is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** the City residential land use and zoning are in keeping with the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property and its use will not be out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL (Residential, Low), and rezoning to R-1A (Single-Family Residential) for 163 Comfort Rd.

Vice-Chairman Pickens said he has had longstanding ex-parte communication with and has legally represented the property owner, Mr. Beck, but he did not think he needed to recuse himself from this case as he anticipated no financial gain as a result of tonight's actions.

Mr. Holmes recused himself from discussion of the item, stating he currently represents the applicant, and left the meeting room.

Mr. Crowe then gave a brief PowerPoint presentation of the case, noting that the property was proposed for a boutique car wash for Beck vehicles and also for the public at large. The site had previously received approval from the Zoning Board of Appeals for a variance to reduce the front setback (along N. Highway 17) to zero – there was a very large grassed right-of-way that provided ample distance and buffering from the roadway in this case.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative, motion carried unanimously.

**Case 15-28** A request to annex, amend the Future Land Use map from County US (Urban Service) to RL (Residential Low-Density) and rezone from County R-1A (Single-family Residential) to R-1A (Residential Single-Family), located at the northwest corner of Lane & Williams St. (Parcel #01-10-26-5200-0170-0010).

Chairman Sheffield opened the public hearing, with no individuals speaking, and then closed the public hearing.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative.

**Case 15-29:** A request to rezone from County IH (Heavy Industrial) to M1 (Light Industrial), located at 161 Comfort Rd.

Mr. Crowe explained that this is a housekeeping effort since this property currently has residential zoning that is in conflict with its over-riding Commercial Future Land Use Map (FLUM) category. Staff recommended tabling the item due to an advertising error.

**Motion** to table by Mr. DeLoach and seconded by Vice-Chairman Pickens to table this request until next month to allow for corrective advertising. All present voted affirmative, motion carried.

**Case 15-30:** A request to annex, amend the Future Land Use map from County IN (Industrial) to RL (Residential Low-Density) and rezone from IH (Heavy Industrial) to R-1AA (Residential Single-Family), located 163 Comfort Rd.

Mr. Crowe gave a brief PowerPoint presentation, saying that this parcel is directly behind the industrial parcel referenced in the previous case, and the owner of both properties had expressed a desire to annex this rear parcel and assign it residential land use and zoning. Staff supported this as the residential zoning would provide a buffer from adjacent industrial uses for the Crystal Cove residences to the south.

Chairman Sheffield opened up the public hearing and adjacent property owner and resident Chevy Davis, 26 Crystal Cove Dr. expressed his concerns about incompatible development. He asked if there was any architectural or landscaping control over a builder on a residential lot such as this. Mr. Crowe responded that there were no such development standards except for dimensional standards such as setbacks, minimum lot

coverage, and building height. Vice-Chairman Pickens asked Mr. Crowe what were building height limits in industrial and residential zoning districts, and Mr. Crowe answered that the R-1AA zoning had a 35-foot height limit and the M-1 zoning had a 48-foot height limit. Mr. Crowe added that the irony was that there was more ability to protect trees and regulate architecture in the industrial zoning. Vice-Chairman Pickens said that an industrial use would be a much worse neighbor in terms of noise, building height, and other impacts. Board discussion continued about the reduction of impacts from this action. As there were no others wishing to speak, Chairman Sheffield closed the public hearing.

**Case 15-31** Request for conditional use for mural, located **100 Block of N. 3<sup>rd</sup> St.**  
**Applicant:** Conlee-Snyder Mural Committee

Mr. Crowe said that conditional use criteria were by and large not applicable to the review of murals. The only relevant criterion pertains to compatibility and the public interest. He said that the mural theme of natural history was appropriate for the area and maintained the ongoing mural theme of local history, culture, and environment. He recommended approval of the request.

Mr. Dean Quigly, 2845 1<sup>st</sup> Avenue - St. Augustine, FL noted that the mural's subject, William Bartram, was a globally-known botanist and adventurer of the 1700s. Bartram took great interest in the Palatka area, and the wildlife sketches of the mural come straight from his etchings in his book *Travels of William Bartram*.

**Motion** made by Vice-Chairman Pickens and seconded by Mr. Wallace to approve the request as proposed. All present voted affirmative.

**Case 15-27** A request for conditional use to locate an alcohol serving establishment within 300 ft. of another located at **114 N. 19th St.**

Mr. Crowe explained that the owner of the dollar store in the Middleton Shopping Center wanted to add beer & wine sales. In a PowerPoint presentation he reviewed the conditional use criteria and noted that one of the strong elements of the Comprehensive Plan is landscaping and tree planting, and this application could be the vehicle to bring the property more into compliance with the Landscape Code. The conditional use provides that point of entry for code upgrades while not making such conditions completely onerous on the property/business owner. He shared some slides showing some proposed landscape buffering along St. Johns Ave and N. 19<sup>th</sup> St. He explained that he has worked with City Project Manager Jonathan Griffith to come up with a proposal to partner with the owner to plant a minimal buffer through the City's Tree Mitigation program.

The Chairman opened up the public hearing, hearing from Allegra Kitchens, 1027 S. 12<sup>th</sup> St., who said there is uncertainty about the precise location of the right-of-way line along St. Johns Avenue at the center. Mr. Crowe said that any motion could be stated in a way that ensured tree planting in either public or private property around that line.

**(Regular meeting)**

**Motion** made by Vice-Chairman Pickens and seconded by Mr. DeLoach to approve the request subject to staff's recommendations. All present voted affirmative.

## **OTHER BUSINESS**

Jonathan Griffith, Project Manager, 205 N. 2<sup>nd</sup> St. in the absent of a recreation board he is requesting feedback and direction from the Planning Board on the proposed grant-funded improvements to Booker and Hank Bryan Parks. These grants would be through the Florida Recreation Development Assistance Program (FRDAP).



## CITY COMMISSION AGENDA ITEM

### SUBJECT:

**PUBLIC HEARING:** 276 N US 17 - Planning Board Recommendation to annex and assign commercial land use and zoning to parcel - Beck/Sloan Properties, Inc., Owner; Palatka Building & Zoning Dept., Applicant.

**\*a. ANNEXATION ORDINANCE** - 2nd Reading, Adopt

**\*b. FUTURE LAND USE MAP AMENDMENT ORDINANCE** - Adopt

**\*c. REZONING ORDINANCE** - 2nd Reading, Adopt

### SUMMARY:

This is the adoption of an ordinance annexing 276 N. US 17 into the City limits and also an ordinance amending the land use and zoning of this parcel to commercial designations. This is a voluntary annexation that is motivated by the need for city utilities. The property owner plans to develop an auto spa (car wash) on the property.

### RECOMMENDED ACTION:

**Adopt ordinance annexing 276 N. US 17 into the City and assigning COM (Commercial) future land use map designation and C-2 (Commercial Intensive) zoning to the property.**

### ATTACHMENTS:

Description	Type
▢ Annexation Ordinance	Ordinance
▢ Future Land Use Map Amendment Ordinance	Backup Material
▢ Rezoning Ordinance	Ordinance
▢ Staff Report	Backup Material
▢ Planning Board Minutes	Backup Material
▢ Powerpoint Presentation	Backup Material

### REVIEWERS:

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	10/8/2015 - 8:26 PM
City Clerk	Driggers, Betsy	Approved	10/8/2015 - 8:36 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:25 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:28 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:41 AM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2nd St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 276 NORTH US 17, LOCATED IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Beck/Sloan Properties inc., and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

STINWILL SUBURBAN FARMS MB2 P39 PT OF LOTS 48 + 49 OR467 P1656 (EX OR488 P1318 OR489 P875 OR713 P733) ALSO PT OF CLOSED OLD HWY 15 PER RES OR1241 P254 (EX OR1288 P675) (SUBJECT TO ESMT OR1330 PP1435 1441) (MAP SHEET 37E) (Being 276 North US 17)/tax parcel # 37-09-26-0000-0060-0480), a 0.6-acre parcel.

**Section 2.** The property hereby annexed shall remain subject to the Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

**Section 3:** That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.  
**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 October 22, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
City Attorney

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM PUTNAM COUNTY IH (HEAVY INDUSTRIAL) TO CITY COM (COMMERCIAL) FOR 276 N US 17, LOCATED IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: 276 North US 17 (Beck/Sloan Properties Inc.); for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1)(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on August 4, 2015 and recommended approval of this amendment to the City Commission, and

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

**Section 1. Adopted Small Scale Amendment**

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
37-09-26-0000-0060-0480	0.6	County IH (Heavy Industrial)	COM (Commercial)
DESCRIPTION OF PROPERTY:	STINWILL SUBURBAN FARMS MB2 P39 PT OF LOTS 48 + 49 OR467 P1656 (EX OR488 P1318 OR489 P875 OR713 P733) ALSO PT OF CLOSED OLD HWY 15 PER RES OR1241 P254 (EX OR1288 P675) (SUBJECT TO ESMT OR1330 PP1435 1441) (MAP SHEET 37E) (Being 276 N US 17)		

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

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 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 22<sup>nd</sup> day of October, 2015.

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2nd St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY IH (INDUSTRIAL HEAVY) TO CITY C-2 (COMMERCIAL INTENSIVE) FOR THE FOLLOWING PROPERTY: 276 NORTH US 17 (SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 276 North US 17 (Beck/Sloan Properties Inc.) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on August 4, and two public hearings before the City Commission of the City of Palatka on October 8, 2015 and October 22, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTY:**

STINWILL SUBURBAN FARMS MB2 P39 PT OF LOTS 48 + 49 OR467 P1656 (EX OR488 P1318 OR489 P875 OR713 P733) ALSO PT OF CLOSED OLD HWY 15 PER RES OR1241 P254 (EX OR1288 P675) (SUBJECT TO ESMT OR1330 PP1435 1441) (MAP SHEET 37E) (Being 276 North US 17)/tax parcel # 37-09-26-0000-0060-0480), a 0.6-acre parcel.

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3:** 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 October 22, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
City Attorney

## STAFF REPORT

**DATE:** July 20, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

To annex, amend FLUM, and rezone the property below from County industrial to City commercial. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (property outlined in red)



Figure 2: photo taken from US 17, property in foreground, Palatka Sheet Metal (on Jax Lane) to rear.



Figure 3: photo taken from US 17 looking south. Property is in foreground, Palatka Sheet Metal in left of picture, former truss manufacturer in middle of picture, Palatka Bolt & Screw in middle right, and to far right is Beck auto sales.

**APPLICATION BACKGROUND**

The property under consideration currently has a County mixed-use Future Land Use Map (FLUM) designation and heavy industrial zoning. The property is undeveloped. The property and its current and proposed FLUM and zoning classifications are shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Service)	COM (Commercial)	IH (Heavy Industrial)	C-2 (Intensive Commercial)

The applicant is voluntarily annexing into the City to hook up to the City’s water and sewer systems. Staff is presenting these applications as administrative actions, as opposed to an action by each property owner, due to the rationale presented below.

1. Revenue Recovery. The taxes collected from this property will defray the administrative expense of the annexation fairly quickly.
2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.

3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

## **PROJECT ANALYSIS**

### **Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.”

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality’s boundary. As indicated in Figure 1, the property is contiguous to the City limits, which are across Kelley Smith Road (statutes do not consider rights-of-way and interrupting contiguity).

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the property meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave along the US 17 corridor (see map below).



Figure 3: Enclave Area (green properties are in City)

**Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff Comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

Policy A.1.9.3

A. Land Use Districts

1. Commercial

*Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts (Ordinance # 11-22). The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. (Ordinance # 12-50). Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use. See Policy A.1.3.2.*

**Staff Comment:** the property is now in the County’s Urban Service FLUM category, which allows nonresidential uses limited by a Floor Area Ratio of 1.0<sup>1</sup> and a maximum impervious surface<sup>2</sup> ratio of 85%. The City’s COM FLUM allows a higher FAR of 1.5 and a lower/stricter maximum impervious surface of 70%, with both being comparable to the County’s intensity limits. While there is a mix of industrial and commercial FLUM in the vicinity, the use is better suited to the COM FLUM due to the nature of its proposed operations and the presence of similar nearby COM properties. Finally Municipal Code Section 94-111(b) allows the C-2 zoning category within the COM land use category.

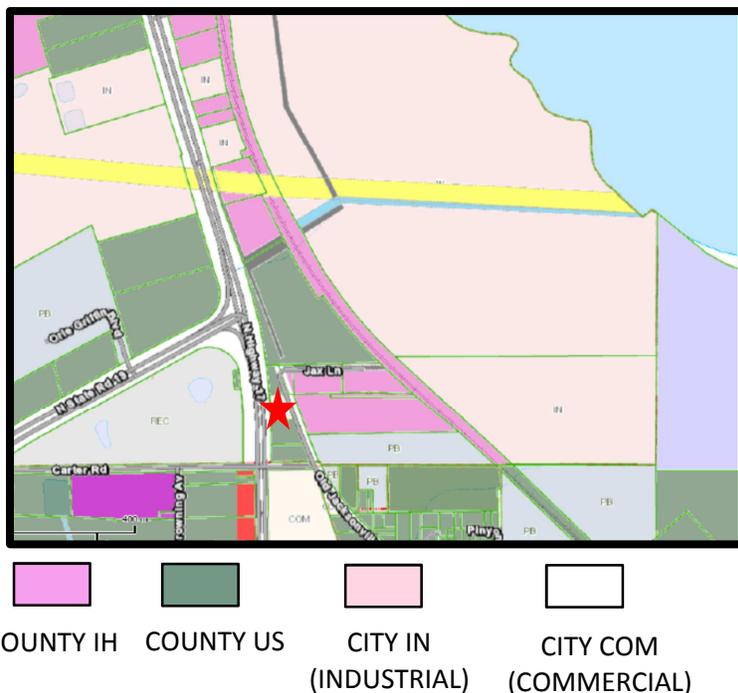


Figure 4: Future Land Use Map (FLUM) categories

<sup>1</sup> Floor Area Ratio is a measurement of intensity defined as the size of the property divided by the square footage of a building. For example a FAR of 1.0 allows a building of 43,560 square foot on a lot of the same size.

<sup>2</sup> Impervious surface is the area that will not absorb rainwater, including paved areas, building areas, and pond/water areas.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines (both within US 17 right-of-way).

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** The property is within a commercial corridor that is suitable for the proposed commercial FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on these developed sites.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

### **Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

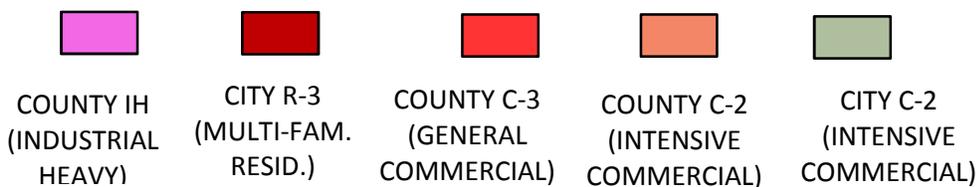
**Staff Comment:** The property is located in an established commercial corridor.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

**Staff Comment:** Properties to the south are established commercial uses, and the commercial FLUM & zoning provides a step-down in intensity from the industrial FLUM and zoning to the north and east.



Figure 4: Vicinity zoning



d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.

**Staff Comment:** Roadway capacity is available on area roadways as well as water and sewer capacity in the area.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**Staff Comment:** See response to c. above.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

**Staff Comment:** Not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

**Staff Comment:** Rezoning the property to a commercial designation will not adversely affect neighborhood living conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

**Staff Comment:** as previously noted there is ample roadway capacity on Hwy 17 and this use will not produce an excessive number of vehicle trips that would create congestion.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** No drainage problems are anticipated for this any future use, as water management district and city stormwater standards must be met.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** Impervious surface limitations (70% maximum) and height limits (48 feet) prevent excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** see response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the changes will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to property that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** The City commercial land use and zoning are in keeping with the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property and its use are not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

#### **STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to COM, and rezoning to C-2 for 276 N. Hwy 17.

11. Open space must exceed what is required by the Comprehensive Plan and Zoning Code by at least 15%.
12. Phase 1, which are improvements required for Parcels A & B, must be complete within one year of approval. Phase 2, development of Parcel C must commence within five years of approval.
13. Any future development of Parcel C must have underground utilities.
14. All properties must be subject to unified control in regard to approval conditions, to be accomplished by a binding maintenance and development agreement signed by all owners of the parcels and recorded with the County Clerk.
15. A screened refuse area must be provided to the rear of the buildings and roll-out carts shall not be left in view in front or in the sides of the building.

Mr. Harwell asked what side of the property is the fifteen foot buffer intended for. Mr. Crowe replied that it would be required along the entire east, part of the west and the northern property lines along Peters St.

Mr. Harwell asked if there was another avenue that could be used instead of a PUD. Mr. Crowe advised that their only options are a variance or go through the PUD process, and staff does not believe it meets the variance criteria, with a self-created hardship, as the parcels do not have to be sub-divided.

Discussion took place regarding the proposed parcel separation.

#### **(Regular Meeting)**

Mr. Harwell stated that he did not believe it was the best vehicle for this. Mr. Holmes asked what the emphasis was for the application. Mr. Crowe stated that the property owner wants to subdivide to sell them to different family members. Mr. Holmes asked if any of the uses proposed for the PUD in conflict with the underlying zoning of the respective parcels of property. Mr. Crowe replied no, that the commercial zoning and land use category allows limited industrial activity in enclosed spaces with on byproducts by conditional use. Essentially we are replacing the conditional use with this PUD. If a use were to be expanded or desired that is not currently there it would require a PUD modification. Mr. Holmes stated that he does not see a PUD as being something the City or County would be doing to their disadvantage, from his prospective, he has viewed it as a tool by which the city or county may place more restrictions on a property than would otherwise be available through a straight rezoning. Mr. Crowe agreed that he sees not as strictly an opportunity to circumvent zoning, but as a trade-off. On one hand the city provides some flexibility for some prescribed set of uses that are not as broad as what could be allowed with straight zoning, as well as property improvement with landscaping and tree preservation that also could not be required with allowed uses. Mr. Pickens stated that he agreed with Mr. Holmes.

**Motion** made by Mr. Pickens and seconded by Mr. Wallace to approve the request as recommended by Staff with conditions 1 – 15. All present voted, resulting with six yeas and one nay (Mr. Harwell), motion carried.

#### **NEW BUSINESS:**

Mr. Pickens stated that he has had long standing exparte' communications with Mr. Sloan and has an ownership interest in the neighboring property, but does not believe he stands to benefit financially directly or indirectly.

**Case 15-26:** a request to annex, amend the Future Land Use map from County US (Urban Service) to COM (Commercial), and rezone from County IH (Heavy Industrial) to C-2 (Intensive Commercial), for property located at 276 N Highway 17.

Vice-Chairman Pickens said he has had longstanding ex-parte communication with and has legally represented the property owner, Mr. Beck, but he did not think he needed to recuse himself from this case as he anticipated no financial gain as a result of tonight's actions.

Mr. Holmes recused himself from discussion of the item, stating he currently represents the applicant, and left the meeting room.

Mr. Crowe then gave a brief PowerPoint presentation of the case, noting that the property was proposed for a boutique car wash for Beck vehicles and also for the public at large. The site had previously received approval from the Zoning Board of Appeals for a variance to reduce the front setback (along N. Highway 17) to zero – there was a very large grassed right-of-way that provided ample distance and buffering from the roadway in this case.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative, motion carried unanimously.

**Case 15-28** A request to annex, amend the Future Land Use map from County US (Urban Service) to RL (Residential Low-Density) and rezone from County R-1A (Single-family Residential) to R-1A (Residential Single-Family), located at the northwest corner of Lane & Williams St. (Parcel #01-10-26-5200-0170-0010).

Chairman Sheffield opened the public hearing, with no individuals speaking, and then closed the public hearing.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative.

**Case 15-29:** A request to rezone from County IH (Heavy Industrial) to M1 (Light Industrial), located at 161 Comfort Rd.

Mr. Crowe explained that this is a housekeeping effort since this property currently has residential zoning that is in conflict with its over-riding Commercial Future Land Use Map (FLUM) category. Staff recommended tabling the item due to an advertising error.

**Motion** to table by Mr. DeLoach and seconded by Vice-Chairman Pickens to table this request until next month to allow for corrective advertising. All present voted affirmative, motion carried.

**Case 15-30:** A request to annex, amend the Future Land Use map from County IN (Industrial) to RL (Residential Low-Density) and rezone from IH (Heavy Industrial) to R-1AA (Residential Single-Family), located 163 Comfort Rd.

Mr. Crowe gave a brief PowerPoint presentation, saying that this parcel is directly behind the industrial parcel referenced in the previous case, and the owner of both properties had expressed a desire to annex this rear parcel and assign it residential land use and zoning. Staff supported this as the residential zoning would provide a buffer from adjacent industrial uses for the Crystal Cove residences to the south.

Chairman Sheffield opened up the public hearing and adjacent property owner and resident Chevy Davis, 26 Crystal Cove Dr. expressed his concerns about incompatible development. He asked if there was any architectural or landscaping control over a builder on a residential lot such as this. Mr. Crowe responded that there were no such development standards except for dimensional standards such as setbacks, minimum lot



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**PUBLIC HEARING:** Northwest corner of Lane and Williams Streets - Planning Board Recommendation to annex and assign residential land use and zoning to parcel, from Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - The Latest Dirt, Lic., Owner; Palatka Building & Zoning Dept., Applicant.

**\*a. ANNEXATION ORDINANCE** - 2nd Reading, Adopt

**\*b. FUTURE LAND USE MAP AMENDMENT ORDINANCE** - Adopt

**\*c. REZONING ORDINANCE** - 2nd Reading, Adopt

### **SUMMARY:**

This is the adoption of an ordinance annexing property located at the northwest corner of Lane and Williams Streets into the City limits, an ordinance amendment the future land use map designation and zoning to single-family zoning categories. This is a voluntary annexation.

### **RECOMMENDED ACTION:**

**Adopt an ordinance annexing 2800 Lane Street into the City and ordinance assigning COM (Commercial) future land use map designation and R-1A (Single-Family Residential) zoning to the property.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Annexation Ordinance	Backup Material
▢ Future Land Use Amendment Ordinance	Backup Material
▢ Rezoning Ordinance	Backup Material
▢ Planning Board Minutes	Backup Material
▢ Staff Report	Backup Material
▢ Powerpoint Presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/16/2015 - 3:09 PM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS A PARCEL LOCATED AT THE NORTHWEST CORNER OF LANE AND WILLIAMS STREETS, LOCATED IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: The Latest Dirt Lic., and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

LEMON ST HEIGHTS MB2 P33 BLK 18 LOTS 1, 2 + 7 (tax parcel # 01-10-26-5200-0180-0010), a 0.4-acre parcel.

**Section 2.** The property hereby annexed shall remain subject to the Putnam County Comprehensive Plan and Zoning Laws until changed by

the City of Palatka.

**Section 3:** That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

**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 October 22, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**City Attorney**

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM PUTNAM COUNTY US (URBAN SERVICE) TO CITY RL (RESIDENTIAL LOW) FOR A PARCEL LOCATED AT THE NORTHWEST CORNER OF LANE AND WILLIAMS STREETS, LOCATED IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: The Latest Dirt, Lic., for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1)(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on August 4, 2015 and recommended approval of this amendment to the City Commission, and

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

**Section 1. Adopted Small Scale Amendment**

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
01-10-26-5200-0180-0010	0.4	County US (Urban Service)	RL (Residential, Low)
DESCRIPTION OF PROPERTY:	LEMON ST HEIGHTS MB2 P33 BLK 18 LOTS 1, 2 + 7 (Being Parcel at the northwest corner of Lane and Williams Streets)		

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

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 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-1A (RESIDENTIAL SINGLE FAMILY) TO CITY R-1A (SINGLE FAMILY RESIDENTIAL) FOR A PARCEL LOCATED AT THE NORTHWEST CORNER OF LANE AND WILLIAMS STREETS (SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: The Latest Dirt Lic., for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on August 4, 2015 and two public hearings before the City Commission of the City of Palatka on October 8, 2015 and October 22, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

LEMON ST HEIGHTS MB2 P33 BLK 18 LOTS 1, 2 + 7 (tax parcel # 01-10-26-5200-0180-0010) - being parcel at northwest corner of Lane and Williams Streets/ tax parcel # 01-10-26-5200-0180-0010).

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** 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 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Vice-Chairman Pickens said he has had longstanding ex-parte communication with and has legally represented the property owner, Mr. Beck, but he did not think he needed to recuse himself from this case as he anticipated no financial gain as a result of tonight's actions.

Mr. Holmes recused himself from discussion of the item, stating he currently represents the applicant, and left the meeting room.

Mr. Crowe then gave a brief PowerPoint presentation of the case, noting that the property was proposed for a boutique car wash for Beck vehicles and also for the public at large. The site had previously received approval from the Zoning Board of Appeals for a variance to reduce the front setback (along N. Highway 17) to zero – there was a very large grassed right-of-way that provided ample distance and buffering from the roadway in this case.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative, motion carried unanimously.

**Case 15-28** A request to annex, amend the Future Land Use map from County US (Urban Service) to RL (Residential Low-Density) and rezone from County R-1A (Single-family Residential) to R-1A (Residential Single-Family), located at the northwest corner of Lane & Williams St. (Parcel #01-10-26-5200-0170-0010).

Chairman Sheffield opened the public hearing, with no individuals speaking, and then closed the public hearing.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative.

**Case 15-29:** A request to rezone from County IH (Heavy Industrial) to M1 (Light Industrial), located at 161 Comfort Rd.

Mr. Crowe explained that this is a housekeeping effort since this property currently has residential zoning that is in conflict with its over-riding Commercial Future Land Use Map (FLUM) category. Staff recommended tabling the item due to an advertising error.

**Motion** to table by Mr. DeLoach and seconded by Vice-Chairman Pickens to table this request until next month to allow for corrective advertising. All present voted affirmative, motion carried.

**Case 15-30:** A request to annex, amend the Future Land Use map from County IN (Industrial) to RL (Residential Low-Density) and rezone from IH (Heavy Industrial) to R-1AA (Residential Single-Family), located 163 Comfort Rd.

Mr. Crowe gave a brief PowerPoint presentation, saying that this parcel is directly behind the industrial parcel referenced in the previous case, and the owner of both properties had expressed a desire to annex this rear parcel and assign it residential land use and zoning. Staff supported this as the residential zoning would provide a buffer from adjacent industrial uses for the Crystal Cove residences to the south.

Chairman Sheffield opened up the public hearing and adjacent property owner and resident Chevy Davis, 26 Crystal Cove Dr. expressed his concerns about incompatible development. He asked if there was any architectural or landscaping control over a builder on a residential lot such as this. Mr. Crowe responded that there were no such development standards except for dimensional standards such as setbacks, minimum lot

# Case 15-28: parcel 01-10-26-5200-0170-0010

## Request to Annex, Amend Future Land Use Map and Rezone

Applicant: Building & Zoning Dept.

### STAFF REPORT

DATE: July 27, 2015

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

#### APPLICATION REQUEST

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (purple shaded area represents areas within city limits)

**APPLICATION BACKGROUND**

The property under consideration currently has County single-family land use and zoning, as shown below. It is undeveloped property and is being combined with the parcel to the immediate west (2806 Lane Street) which was previously annexed into the City for utilities. The property owner’s intent is to rebuild a single family home that was destroyed in a fire. The property has access from Lane St. There are several other single-family properties located in the immediate vicinity of this property (predominantly single-family in character).

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Service)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning	Actual Use
North of Site	RM (Residential Medium)	R-2 (Two-family residential)	Single-family homes
East of Site	RM (Residential Medium)	R-2 (Two-family residential)	Single-family homes
West of Site	RL (Residential Low)	R-1A (Single-family residential)	Vacant Residential
South of Site	RL (Residential Low-density)	R-1A (Single-family residential)	Single-family home

Staff is presenting this application as an administrative action, as opposed to an action by the property owner, due to the administrative policy rationale presented below.

1. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
2. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

**PROJECT ANALYSIS**

**Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.” See figure 2 below.

**Case 15-28: parcel #01-10-26-5200-0170-0010  
Request to Annex, Amend Future Land Use Map and Rezone  
Applicant: Building & Zoning Dept.**



Figure 2: Site and Vicinity Map showing contiguity and compactness.

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. The property is contiguous to the City limits as shown in Figure 1.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present in the portion of Palatka between St. Johns, Palm, Reid & SR 19, as shown graphically in Figure 3 on the right.

**Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff Comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

Policy A.1.9.3

A. Land Use Districts

1. Residential

*Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*

Low Density (1730acres) - provides for a range of densities up to 5 units per acre.

**Staff Comment:** the property is now in the County's Urban Service FLUM category (density range of one to four units per acre), which is approximately equivalent to the City's RL (Residential Low Density), which has a density range of one to five units per acre. This is the actual density range in the vicinity, with lots ranging from ¼ acre to ¾ acre in size.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines.

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** The property is in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

**Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** The property is located in an established residential neighborhood.

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** Rezoning the property to R-1A provides uniformity to both existing City and County single-family zoning and does not create an isolated zoning district. While R-2 zoning is to the north, east, and west they are all developed with single family homes. South of this property along Lane St. has single-family (City and County) zoning as well.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** Roadway capacity is available on area roadways and the impacts of the use on road and utility capacity will be negligible, particularly since the use has already been present.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** One condition that has changed in regard to this property is the parcel has been combined with the parcel directly to the west, which is in the City limits and is zoned, R-1A (Single-family Residential) with an RL (Residential Low-density) land use designation.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the property to a designation similar to the current surrounding City and County zoning will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

**Case 15-28: parcel #01-10-26-5200-0170-0010**  
**Request to Annex, Amend Future Land Use Map and Rezone**  
**Applicant: Building & Zoning Dept.**

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** No drainage problems are anticipated for the previously-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The previously-developed property should not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** the intended re-development of a single family home will not adversely affect property values in the adjacent area.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** Based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** Providing a FLUM and zoning designations to properties that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** The proposed use is in accordance with existing zoning.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** The property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** Not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** Not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for parcel # 01-10-26-5200-0710-0010 (the parcel immediately to the east of 2806 Lane St.).



## CITY COMMISSION AGENDA ITEM

### SUBJECT:

**PUBLIC HEARING** - 908 N 20th St - Planning Board Recommendation to Annex, Amend the Comprehensive Plan Future Land Use Map Designation from Putnam County UR (Urban Reserve) to City RL (Residential, Low Density) and rezone from Putnam County R-2 (Residential Two-Family) to City R-1A (Single-Family Residential) - Gerald and Deborah Ragans, owners; Palatka Building & Zoning Dept, Applicant - ***Tabled on 9/10/15 to a time certain of 10/22/15***

\*a. **ANNEXATION ORDINANCE** - 2nd Reading

\*b. **FUTURE LAND USE MAP AMENDMENT ORDINANCE** - Adopt

\*c. **REZONING ORDINANCE** - 2nd Reading -

### SUMMARY:

***2nd reading/adoption on these three ordinances was tabled on 9/10/15 to a time certain of 10/22/15 at the request of the owner.***

-  
This is the 2nd reading and adoption of an ordinance annexing 908 Husson Ave. into the city limits and also adoption of ordinances rezoning and amending the Future Land Use Map designation of the property to a city single-family residential classification. This is a voluntary annexation in which the property owner is requesting City utilities.

This item was tabled to give Staff the opportunity to discuss with the property owner issues pertaining to the existing mobile home on the property, which would become a legal nonconforming use when annexed into the City. Staff has discussed the issue of nonconformity with the property owner, and the attached letter details options for the property owner. Essentially the Comprehensive Plan and Zoning Code require that while the mobile home use can continue indefinitely without major improvement or expansion, if it is destroyed it must be replaced with a "stick-built" or manufactured home. The owner has the options of applying for mobile home zoning, applying to re-establish the nonconforming use if the mobile home is destroyed, or not annexing into the City and utilizing City water.

### RECOMMENDED ACTION:

**Adopt ordinances annexing 908 N 20th St. into the City, and an ordinance assigning R-1A (Single-Family Residential) zoning to the property, and amending the Comprehensive Plan Future Land Use Designation from Putnam County UR (Urban Reserve) to City RL (Residential, Low Density) to a time certain of October 22, 2015.**

### ATTACHMENTS:

**Description**

**Type**

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 908 NORTH 20<sup>TH</sup> STREET, LOCATED IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Gerald and Deborah Ragans, and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

CLARKE + BROWNING S/D MB2 P27 BLK D LOT 2 (Being 908 North 20<sup>th</sup> Street / tax parcel # 01-10-26-1470-0040-0020)

**Section 2.** The property hereby annexed shall remain subject to the

Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

**Section 3:** That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

**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 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**City Attorney**

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM PUTNAM COUNTY UR (URBAN RESERVE) TO CITY RL (RESIDENTIAL, LOW DENSITY) FOR 908 NORTH 20<sup>TH</sup> STREET, LOCATED IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: 908 North 20<sup>th</sup> Street (Gerald and Deborah Ragans); for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1)(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on September 2, 2014 and recommended approval of this amendment to the City Commission, and

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

**Section 1. Adopted Small Scale Amendment**

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
01-10-26-1470-0040-0020	0.12	County US (Urban Service)	RL (Residential, Low Density)
DESCRIPTION OF PROPERTY:	CLARKE + BROWNING S/D MB2 P27 BLK D LOT 2 (Being 908 North 20 <sup>th</sup> Street)		

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

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 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

By: \_\_\_\_\_

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

**ORDINANCE NO. - 15**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-2 (RESIDENTIAL TWO-FAMILY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 908 NORTH 20<sup>TH</sup> STREET (SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 908 North 20<sup>th</sup> Street (Gerald and Deborah Ragans) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on October 7, 2014, and two public hearings before the City Commission of the City of Palatka on August 6, 2015 and September 10, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

CLARKE + BROWNING S/D MB2 P27 BLK D LOT 2 (Being 908 North 20<sup>th</sup> Street / tax parcel # 01-10-26-1470-0040-0020)

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** 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 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**



**Building & Zoning Department**  
201 N 2<sup>nd</sup> Street  
Palatka, FL 32177  
(386) 329-0103 phone  
(386) 329-0172 fax

October 15, 2015

Mr. Gerald Ragans  
113 Thicket Lane  
Palatka, FL 32177

RE: 908 N. 20<sup>th</sup> St. Annexation and Zoning Issues

Dear Mr. Ragans:

As we have discussed before, one of the results of your pending annexation into the City of Palatka is the City zoning district that is proposed, R-1A – Single-Family Residential, does not allow for mobile homes (mobile homes are now allowed in the current County zoning). When the property is annexed, the mobile home would then become a legal nonconforming use, also known as “grandfathered.” Also as we discussed previously, the Comprehensive Plan requires annexation for properties which utilize city water when such properties are adjacent to the City limits, as they are in this case. Rezoning the property to R-4 (Mobile Home/Conventional Home Residential District) would make the mobile home a legal conforming use, but a visual survey of the vicinity indicates there are too few mobile homes to justify the rezoning this area to the R-4 designation.

The bottom line is that if you are utilizing city water, you must annex into the City. Beyond that, your choices are as follows:

1. Continue the mobile home as a legal nonconforming use, with the understanding that it cannot be expanded or improved to a value of more than 50% of its value, and it cannot be replaced with another mobile home if destroyed.
2. Continue the mobile homes as a legal nonconforming use, and if it is destroyed, you can within three years of the destruction date apply through the conditional use process to the City Planning Board to re-establish the mobile home use, which will hold a public hearing and will determine if the mobile home use has long been present and has community support. This process requires an application with a \$300 fee.
3. Apply for a rezoning to the R-4 category, which is reviewed by the Planning Board which then provides a recommendation to the City Commission, which makes the final decision on the rezoning. This requires an application with a \$450 fee.
4. Disconnect from City water.

Mr. Gerald Ragans

Page 2

My advice is to annex into the City and continue the mobile home legal nonconforming use. I believe that if you keep the property up and whoever lives there is a good neighbor, it should not be difficult to re-establish the nonconforming mobile home use under the unlikely possibility that it is destroyed. I will request that the City Commission table this matter one final time until their December 10<sup>th</sup> meeting. Prior to that time we can determine which course of action you wish to pursue.

Feel free to contact me to discuss this, or I would also be happy to meet with you.

Sincerely,



Thad Crowe, AICP  
Planning Director

Attachments (Comprehensive Plan and Zoning Code Excerpts)

cc: City Manager Terry Suggs  
Mayor Terrill Hill

TC/tc

Manual 2006.

6. Retention/Detention

Shall meet minimum requirements of the St. Johns River Water Management District.

The standards stated above shall pertain to all new development and redevelopment without exception.

**Policy D.1.1.2** 9J-5.011 (2)(c)2

All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

**Policy D.1.1.3**

Potable water facilities, including all structures designed to collect, treat, or distribute potable water, including wells, treatment plants, reservoirs, and distribution mains, are to be authorized concurrent with development approval.

**Objective D.1.2** 9J-5.011(2)(b)2

Capital projects needed to ensure support facility and development concurrency will be evaluated annually and when financially feasible become part of the five (5) year schedule of capital expenditures in the Capital Improvement Program. This update of the CIP will be an annual amendment to the City's adopted Comprehensive Plan. In order to preserve adopted Level of Service Standards (LOSS), the City of Palatka, upon Plan adoption, shall continue to coordinate the extension of, or increase of, facilities to meet future needs, through implementing the following policies:

**Policy D.1.2.1**

The City of Palatka shall establish a coordinating relationship with the Putnam County Board of County Commissioners to discuss future development plans adjacent to City borders and to discuss the City supporting development beyond their border with water/sewer service. Areas served by Palatka water and sewer will be annexed into the City; however, the distribution of potable water for areas outside of City limits is conditioned upon annexation only when those properties become contiguous. Annexation of contiguous property receiving water or sewer service shall not be required if provision of service to a property, in substantive terms, improves the efficiency of the collection system, supports the system through additional service and user fees, achieves environmental protection, and promotes economic development; and does not promote urban sprawl.

**Policy D.1.2.2**

Upon reaching ninety (90) percent of system capacity, the City Commission shall review the City's current debt service (for consideration of issuing bonds), federal/State grant potential and other sources of funding to determine future policies relating to system expansion.

**Policy D.1.2.3** 9J-5.011(2)(c)1

The Concurrency Management System shall be implemented and shall, at a minimum, include a Capital Improvement Program that is financially feasible and include both

Sec. 94-114. - Nonconforming lots, structures and uses.

- (a) Intent.
- (1) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the ordinance codified in this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.
  - (2) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
  - (3) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance codified in this chapter by attachment on a building or premises of additional signs or by addition of other uses of a nature which would be prohibited in the district involved.
- (b) Nonconforming lots of record. Where a lot of record exists which was held in individual ownership and platted and recorded in the office of the clerk of the circuit court of the county prior to the time of adoption of the ordinance codified in this chapter, and such lot does not conform to the lot area or width requirements for the district in which it is located, the lot may be used for any use permitted in district provided all other development standards are met.
- (c) Nonconforming uses of land. Where, at the effective date of adoption or amendment of the ordinance codified in this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this chapter.
  - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this chapter.
  - (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the requirements of this chapter for the district in which such land is located, and continuance of such use after such period is specifically prohibited.
- (d) Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could not be built under the terms of this chapter by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
  - (2) Should such structure be destroyed by any means to an extent of 60 percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
  - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the district in which it is located after it is moved.
- (e) Nonconforming uses of structures. If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance codified in this

chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (2) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided the board of zoning appeals may require appropriate conditions and safeguards in accord with the provisions of section 94-64.
  - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the requirements of the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the requirements of this district in which it is located.
  - (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) Nonconforming characteristics of use. If characteristics of use, such as residential densities, signs, off-street parking or off-street loading, or other matters pertaining to the use of land and structures are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this chapter; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
- (g) Repairs and maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.
- (h) Casual, temporary or illegal use. The casual, temporary or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- (i) Conditional uses not nonconforming uses. Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be deemed a conforming use in such district.
- (j) Limited nonconforming structure enlargement or alteration. The zoning board of appeals is authorized to permit the enlargement or alteration of a nonconforming structure, except any sign, as a variance upon application, notice by posting property, and public hearing, upon finding and determining the following:
- (1) The granting of the variance will not adversely affect the public interests;
  - (2) Such enlargement or alteration is in harmony with the purpose and intent of this chapter and all amendments thereof;
  - (3) The enlargement or alteration, if allowed, will not violate any height, yard, setback, area or density limitations imposed by the zoning district in which the property is located, or if the enlargement or alteration would increase such violation, such enlargement or alteration would not adversely affect traffic flow, safety and control, pedestrian safety and convenience or visibility at any street intersections, drives, rights-of-way, curbcuts or crosswalks;
  - (4) Such enlargements or alteration shall be compatible with adjacent properties and other properties within that zoning district;
  - (5) If in a commercial, business or industrial zone, that adequate buffers are provided between such structures and adjacent residential areas;

- (6) That adequate off-street parking shall be provided for any multifamily, commercial, industrial or business use upon the property; and
- (7) The enlargement or alteration will not increase gross floor area of the principal structure by more than 50 percent.

(Code 1981, app. C, § 26-5; Ord. No. 11-24, § 2, 8-25-2011)

**Sec. 94-115. - Re-establishment of nonconforming uses.**

In unusual cases where nonconforming uses are grounded in the community due to historical precedent and community support, should such uses cease to operate, their re-establishment shall be allowed within 36 months of the date the use ceased to function. Consideration of such requests shall be through the conditional use process.

(Ord. No. 12-16, § 1, 3-8-2012)

**Case 14-25: 908 N. 20<sup>th</sup> St.**  
**Request to Annex, Amend Future Land Use Map and Rezone**  
**Applicant: Building & Zoning Dept.**

**STAFF REPORT**

**DATE:** September 30, 2014  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

**APPLICATION REQUEST**

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (purple shaded area represents city limits)



Figure 2: 908 N. 20<sup>th</sup> St.

**APPLICATION BACKGROUND**

The property under consideration currently has County single-family land use and zoning, as shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Service 1-9 units per acre)	RL (Residential Low)	R-2 (Residential Two-family)	R-1A (Single-family Residential)

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning
North of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)
East of Site	RL (Residential Low)	R-1A (Single-family Residential)
West of Site	COM (Commercial)	C-1A (Neighborhood Commercial)
South of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)

The property owner is requesting City water and per a pre-annexation agreement is now required to annex into the City in order to receive the service. In accordance with department policy Staff is presenting this application as an administrative action, as opposed to an action by the property owner, due to the policy rationale presented below.

1. Hardship. Most property owners annexing into the City do so because they are compelled to due to the failure of septic tanks or wells and the Health Dept. requirement that they hook up to city utilities when such lines are within 250 feet of the property. The cost of hooking up to City utilities approaches up to \$6,000 depending on whether both water and sewer are required. The additional fees for the FLUM amendment and rezoning is an additional burden. The taxes collected from such property will defray the administrative expense fairly quickly.

2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

## **PROJECT ANALYSIS**

### **Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.”

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality’s boundary. The property is contiguous to the City limits as shown in Figure 1.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present in the north Palatka area, as shown graphically in Figure 3 on the next page.

### **Future Land Use Map Analysis**

The County designates this area under the Urban Reserve category, which allows a very wide range of residential densities (from one to nine units per acre). Staff proposes the RL (Residential Low Density, up to five units per acre) category since this property and others around it are single-family uses.

The following criteria apply to this amendment.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines.

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** the property is in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.



- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

### **Rezoning Analysis**

This County enclave has the R-2 (Two-Family) zoning despite its mostly single-family composition. Staff has recommended R-1A zoning, which has been applied to several other annexed properties in the area, due to its larger lot size (this lot is over 9,000 SF and the R1A district has a 7,200 SF minimum size).

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1)When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** The property is located in an established residential neighborhood.

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** Rezoning the property to R-1A provides uniformity to adjacent City single-family zoning and does not create an isolated zoning district.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** Roadway capacity is available on area roadways and the impacts of the use on road and utility capacity will be negligible, particularly since the use is already present.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** One condition that has changed in regard to this property is the failure or obsolescence of private wells and the present ability to tie into a city water line.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the property to a designation that matches existing uses will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** All development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for the already-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** see response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to the property that is similar to the designation of surrounding City properties is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** not applicable as the City commercial land use and zoning will be similar as the current adjacent City classifications.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for 908 N. 20<sup>th</sup> St.



**CITY OF PALATKA  
PLANNING BOARD MINUTES  
October 7, 2014**

The meeting was called to order by Vice-Chairman Daniel Sheffield at 4:00 pm. **Other members present:** Joe Pickens, Earl Wallace, Anthony Harwell, Justin Campbell, George DeLoach and Charles Douglas, Jr. **Members absent:** Joseph Petrucci. **Also present:** Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Chairman Sheffield read the appeal procedures and requested that members divulge any ex-parte communications before each case.

**OLD BUSINESS - None**

**NEW BUSINESS:**

**Case 14-25:** Administrative request to annex, amend the Future Land Use Map from Putnam County US (Urban Service) to RL (Residential Low) and rezone from Putnam County R-2 (Residential Mixed) to R-1A (Single-family Residential)  
**Location:** 908 N. 20<sup>th</sup> St.

Mr. Crowe explained that this is a single-family home and is currently zoned two-family in the County but is in a predominantly single-family area. The property is contiguous to the city limits and meets the statutory annexation criteria. He added that the property owners are seeking City water and Staff is recommending annexation with a low-density land use and a single-family zoning designation.

No members of the public appeared to address the Board.

**Motion** made by Mr. DeLoach and seconded by Mr. Campbell to approve the request as presented. All present voted affirmative, motion carried unanimously.

**Case 14-27** A request to revise Zoning Code [Sec. 94-149 (e)] to add mobile medical units to the list of conditional uses in the C-2 (Intensive Commercial) zoning district.

Mr. Crowe explained that the owner of property located at 111 S SR 19 has requested this code change to allow for the use of a mobile medical imaging vehicle on the property. The applicant is the property owner who wishes to rent the one of their units to a medical clinic specializing in cancer care. The clinic would utilize a 48 ft. long mobile unit similar to a "bloodmobile," that would be parked adjacent to the existing medical clinic for a couple of days per week. Of course the specifics of this case would be presented in a separate conditional use application, should this code change be approved. The vehicle would be considered an accessory structure in



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**ORDINANCE** amending Chapter 22, Cemeteries, creating provisions for the issuance of burial permits for burials in City cemeteries, and amending Appendix A, Fee Schedule accordingly to cease City-provided burial services and vault sales - 2nd Reading, Adopt – *(Item tabled from September 24, 2015 to a time certain of October 22) -*

### **SUMMARY:**

This is 2nd reading of an ordinance to end city-performed burials at its Cemeteries, which was tabled on 9/24/15 to a time certain of 10/22/15 to schedule a workshop on the matter. At the workshop, a consensus was reached on certain revisions; which are included in this ordinance.

**BACKGROUND:** Some time during the 1970's the City of Palatka became the exclusive provider of grave opening/closing services in its three City-owned cemeteries. At that time, the Cemetery Department had a dedicated staff of six (a manager and administrative assistant who took care of administration, with a maintenance/burial staff consisting of a foreman and three to four laborers). In the early 2000's the Cemeteries department was combined with the Parks department to form the Parks & Cemeteries Department, and all business was handled out of the Cemeteries Office located at Oak Hill West. All maintenance and burials were performed by dedicated Cemeteries personnel and backed up by Parks personnel.

From 2008 to 2013, dedicated Cemeteries labor personnel positions dropped from five to three positions (a foreman and two laborers). In 2013, the Cemeteries Department was split away from the Parks Department and further divided into Cemeteries Maintenance and Cemeteries Administration. Cemeteries Admin consisted of one off-site administrator and two part-time office employees, who man the cemeteries office. Cemeteries maintenance employees (one foreman and one laborer) were moved up under the Public Works department. One other laborer position that was being funded from the Cemeteries budget was moved to Parks.

In 2014, the Cemeteries laborer position became vacant. The decision was made at that time to not fill the position, but to use the money to be saved by not filling that position to partially fund the purchase of an additional prison crew for the Parks Department. Since that time, the City has continued performing burials seven days a week, which requires two employees to perform (excavation, vault setting and set-up prior to the graveside service, break-down, setting the vault lid and covering the grave post-funeral). Because there is

now only one dedicated cemeteries labor position, this requires "borrowing" an employee from Public Works for burials. Many of our funerals require employees to work after 4 pm and on Saturdays, which is the day most burials are performed, and some Sundays. This creates an overtime situation for two employees, thereby severely limiting any profit to be realized by continuing to perform burials with such a limited staff.

A check of municipally-owned cemeteries across the State reveals few, if any, municipalities that actually open and close graves and manage graveside services. Some municipalities contract grave opening/closing to a 3rd party provider. Research has revealed that the City can do that, but it will mean an increase in the price of opening/closing a grave just to cover the City's expense, and will require an employee to provide limited supervision of activities on Saturdays and Sundays.

Most municipalities have a burial permit procedure in place, wherein a permit is issued to a funeral service provider when a burial is to take place, and that provider opens and closes the grave and manages the graveside service amenities. The municipality issues the burial permit to the provider, and marks the location of the grave. The service provider takes care of opening and closing the grave site, setting and closing the vault, setting up and breaking down tents and chairs, and assumes liability for all burial-related events.

Until August, 2015, the City had performed 60 regular burials for the year. In 2014 the City performed 97 burials (plus 13 indigent burials) for the year. In 2013 the City performed 104 regular burials (plus four indigent burials) for the year. Casket burials are declining in favor of cremation.

There has been much concern over the condition of our cemeteries. When the Cemeteries Dept. had a labor staff and it's own prison crew, there was as much attention paid to maintenance as was paid to burials, and personnel could be scheduled to work to cover weekend burials without creating an overtime situation. Now that staff is down to one dedicated employee, and the Cemetery does not have it's own prison crew, the city has been more burial service oriented than maintenance oriented. One of the City's two prison crew makes a sweep through all three cemeteries at least twice a month, but during Florida's 9 months of growing season, this is not sufficient. Staff believes it would be advantageous for the City to cease to provide burial services, at least until such time that Staffing levels and demand again permit burial services to be a profitable and reasonable venture.

The City Manager and Cemeteries administrative staff met with our local burial services providers in July to gauge reaction and take comments on proposed changes to city-provided burial services. The Providers all agreed with the concept of providing their own burial services, as they all do this for burials that take place in other cemeteries. They also requested that, if the City is to get out of the "burial" business, that the City also ceases the sale of cemetery vaults. Also requested was that the City provide a dedicated event space within each cemetery to hold a burial service, such as a gazebo or open-air chapel, which can be booked by service providers or families for memorial services, similar to the service

chapels provided for memorial services in state-owned veterans' cemeteries.

The ordinance being introduced (following this summary) creates a mechanism for the City's issuance of burial permits for a fee of \$150 per burial, and makes other amendments to the City's code to allow for the transition from the City providing burial services to the funeral service providers contracting for burial services. Fee schedule amendments are included.

Consensus was reached at the Oct. 14th workshop to strengthen the provisions for enforcement of burial service standards.

**RECOMMENDED ACTION:**

**Adopt the ordinance amending Chapter 22 as revised to cease city-provided burial services and vault sales to and revise Appendix A Accordingly, effective Nov. 1.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ Ordinance Strike-through/Underline	Ordinance

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
City Clerk	Driggers, Betsy	Approved	10/14/2015 - 5:28 PM
City Clerk	Driggers, Betsy	Approved	10/14/2015 - 5:29 PM
City Manager	Suggs, Terry	Approved	10/14/2015 - 5:46 PM

This instrument prepared by:  
Betsy J. Driggers, CMC  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-3, ADDING PROVISIONS FOR VAULTS INSTALLED BY BURIAL SERVICE PROVIDERS, SECTION 22-4, LOT PRICES, TO DELETE VAULT SALES AND INTERMENT SERVICES, SECTION 22-6, RECORDS; ADDING PROVISIONS FOR OPENING AND CLOSING OF GRAVESITES, PERMITS FOR BURIALS REQUIRED, REGULATIONS FOR INTERMENTS AND DISINTERMENTS, AND OTHER REVISIONS TO GENERAL RESTRICTIONS; ADDING PROVISIONS FOR ENFORCEMENT; PROVIDING FOR RENUMBERING OF CHAPTER SECTIONS WHERE NECESSARY; AND AMENDING "APPENDIX A - FEE SCHEDULE" TO DELETE VAULT SALES AND INTERMENT PRICING AND ADD BURIAL PERMIT FEES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Palatka owns and maintains three cemeteries and desires to memorialize and adopt rules and standards for the maintenance and orderly care of those cemeteries, as well as for the health, welfare and safety of its citizens and employees; and

**WHEREAS,** the City of Palatka desires to delete provisions for vault sales and interment services provided by the City and adopt standards, rules, permitting processes and fees for interments provided by licensed funeral service providers effective October 1, 2015; and

**WHEREAS,** all the necessary procedural steps have been accomplished, and two duly advertised public hearings were held before the City Commission of the City of Palatka on September 10 and 24, 2015; and

**WHEREAS,** the City Commission of the City of Palatka has determined that said amendments and standards are necessary and should be adopted.

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

**Section I.** That Palatka Municipal Code Chapter 22, Section 3, entitled shall be amended to read as follows:

**Sec. 22-3. - Grave markers, fences, coverings and vaults in city cemeteries**

- (a) All corner markers, copings, fences or railings for grave lots or spaces in city cemeteries shall be of marble or granite and shall be installed at ground level. In addition, no stones, gravel, pebbles or other light material shall be used as grave coverings on any graves in the cemeteries.
- (b) ~~Concrete vaults or steel vaults shall be used for each grave space at the expense of the lot owner, and no burial shall be made in any of the cemeteries of the city unless a concrete or steel vault is used.~~ Except for indigent burials, no person or undertaker or funeral director shall bury or cause to be buried a human being in any City of Palatka Cemetery without providing a steel or concrete block vault which said vault dimensions shall follow the dimensions of the gravesite, and said vault shall be inspected by the city prior to its use or the funeral director shall provide a certificate of compliance to the satisfaction of the city.
- (c) Except for burials in the sections of Historic West View Cemetery and Oak Hill Cemetery (East) platted prior to 1928 and mausoleums, all vaults and outside containers used in City of Palatka Cemeteries must be covered completely with a minimum of 18 inches of earth. No vault covers are to be left exposed above the ground.
- (d) Vaults are not required for cremain urns interred in standard or cremains in-ground interment sites; however, all cremain urns must be covered by a minimum of ten inches of soil.
- (e) Mausoleums and niches for urns to be located in any City of Palatka Cemetery shall not exceed five feet in height.

**Section II.** That Palatka Municipal Code Chapter 22, Section 4, entitled "Lot Prices" shall be amended to read as follows:

**Sec. 22-4. Prices for lots and services in city cemeteries.**

- (a) *Adult lots.* The price of city cemetery lots per single adult grave space shall be as set out in Appendix A to this Code, as amended from time to time. All lots, except those

designated as infant lots and those designated as cremains-only lots, will be considered adult lots.

(b) *Infant and cremains-only lots.* The price of cemetery lots per single infant grave space, and per double-urn cremains-only grave space, shall be as set out in Appendix A to this Code, as amended from time to time. Lots 8 through 20, 28 through 40, 48 through 60, and 68 through 80, in Block 118 of Oak Hill Cemetery (also known as Oak Hill East Cemetery), and Sheets 3 and 4, Blocks A and AA of Oak Hill West Cemetery, are hereby designated as infant lots. Cremains-only lots, which are designated and set aside for that purpose, are as shown on the Plat of Oak Hill West Cemetery.

~~(c) *Vaults.* The price of vaults provided for burials by the City of Palatka shall be as set out in appendix A to this Code, as amended from time to time.~~

~~(d) *Interments and all other services.* The price for interments and all other services associated with interments, to coincide with those permitted times for the scheduling of interments, shall be as set out in appendix A to this Code, as amended from time to time. All interments shall require a forty-eight (48) hour notice provided to the City of Palatka Cemeteries Office during regular business hours.~~

**Section III.** That Palatka Municipal Code Chapter 22, Section 6, entitled "Records and maps of city cemeteries" shall be amended to read as follows:

**Sec. 22-6. - Records and maps of city cemeteries; Correct mailing address of lot owners**

The ~~city clerk~~ Cemeteries Department shall be responsible for maintaining the records and maps of the cemetery system of the city and for ensuring that the records and maps are kept current.

Each lot owner shall have the duty to keep the city informed as to his or her correct mailing address. Such information may be provided to the city at 201 N. 2nd Street, Palatka, FL 32177. Any notice mailed to a lot owner at the last address on file with the city shall be equivalent to actual delivery of the notice.

**Section IV.** That the following sections be added to Chapter 22, Cemeteries:

**Sec. 22-8. Opening and closing of grave sites; permit for**

**burial required; fees.**

Grave sites shall be opened and closed solely under the direction of a licensed funeral director and after having obtained a Burial Permit from the City of Palatka Cemeteries Department. Burial Permit fees shall be as set forth in Appendix A, Fee Schedule. No person or undertaker shall bury or cause to be buried a human being in any City of Palatka cemetery, without first obtaining a permit from the city. Permits shall be obtained by making written application to the cemeteries department during regular business hours upon such forms as are prescribed and by paying the appropriate permit fee. No permit for interment or disinterment shall be issued unless the owner of the cemetery lot, or his/her representative has signed the application for permit. Should a funeral director fail to obtain a Burial Permit prior to interment, the city may refuse to allow any further interment services to be performed by said funeral director until such time as all permits are obtained and all fees are paid in full. The city shall locate and mark the corners of the site before the grave is opened. The sod shall be removed and replaced by the person opening and closing the grave. The funeral director responsible for the interment shall be responsible for properly filling in the grave and for restoring the grave site to the level of the surrounding lands for a period of 90 days after the grave is filled and closed. In the event that settling of the soil on the grave shall cause any depression at the grave site, the funeral director and the funeral home or business employing the funeral director shall refill the grave to eliminate any depression. If the city shall give the funeral director and funeral home notice of the needed maintenance and filling and the funeral director or funeral home fails to properly restore the grave site within 72 hours thereafter, the city may refuse to allow any further interment services to be performed by said funeral director or funeral home until such time the grave site is properly restored.

**Sec. 22-9. Regulations for interments and disinterments.**

- (a) All interments and disinterments shall be made subject to state law, city ordinances, and operating rules and regulations of the cemetery.
- (b) Interments shall be permitted seven days a week.
- (c) Upon the death of the owner of any lot, ownership of the lot shall be determined as with any other property under the laws of the State of Florida. In the event of a dispute regarding ownership of the lot of a deceased owner, the City reserves the right to deny any burial

- permit regarding the lot until ownership of the lot has been agreed upon by all parties or determined by a Court of appropriate jurisdiction.
- (d) All disinterments shall be done under the supervision of the City of Palatka Cemeteries department.
  - (e) When a lot cannot be opened where specified, the city may offer a space in another location, so as not to delay the funeral.
  - (f) There may be four cremains or alternatively, one full burial and two cremains interred or inurned in a single adult or infant lot. Two cremains may be inurned in a single cremains-only lot.
  - (g) No interment of any body or the cremated remains of any body, other than that of a human being, shall be permitted.
  - (h) The vault company or contractor (gravedigger) shall remove all excess dirt from adjacent gravemarkers, monuments, etc., as he completes interment. Surplus dirt shall be hauled to the spoil site as designated by the sexton or other designated city official.
  - (i) Hedges, ditches, etc., shall not be allowed around any in-ground interment sites. Earth mounds will not be permitted.
  - (j) The vault company and/or contractor (gravedigger) shall exercise care to protect all gravemarkers, monuments, sprinklers, etc., and shall be held liable for any damage incurred

**Section V.** That all sections of Chapter 22 following the new Section 9 be renumbered accordingly

**Section VI.** That existing Section 8 (which shall be renumbered to Section 10) shall include following amendments:

- a. That the title of Palatka Municipal Code Chapter 22, Section 8, shall be amended to read as follows:

**Sec. 22-10.** Restrictions, permits other than burial permits, preservation standards, and hours of business operation;

- b. That the following provision be added:

(k) The city is not responsible for theft or damage to anything placed on any interment site.

- c. That all other parts of this Section remain and are the same, except that following the new paragraph (k) of this section be relettered accordingly.

**Section VII.** That Appendix A to Chapter 22 of the Palatka Municipal Code is hereby amended to read as follows:

**1. Sec. 22-4. ~~Prices for lots, vault liners and services~~ permits in city cemeteries:**

(1) Adult lot (5 ft. x 10 ft.)	\$750.00 **/
(2) Infant or <u>cremains-only lot</u> (2.5 ft. x 5 ft.)	\$375.00 **/
(3) Burial Permit	\$150.00 ***
(4) Burial Permit when permit is not obtained prior to burial	\$300.00 ****
<del>(5) Titan Vault</del>	<del>\$450.00 plus tax</del>
<del>(6) Graveliner Vault</del>	<del>\$300.00 plus tax</del>
<del>(7) Vault Setting Fee</del>	<del>\$200.00</del>
(8) Interment	
<del>a. Monday – Saturday 9:00 a.m. – 5:00 p.m.*</del>	<del>\$650.00</del>
<del>b. Monday – Saturday after 5:00 p.m.</del>	<del>\$750.00</del>
<del>c. Sundays &amp; City holidays 9:00 a.m. – 4:00 p.m.</del>	<del>\$1,000.00</del>
<del>(9) Cremation Interment ****</del>	
<del>a. Monday – Saturday (no setup), 9:00a.m. – 5:00 p.m.*</del>	<del>\$250.00</del>
<del>b. Monday – Saturday, (with setup) 9:00 a.m. – 5:00 p.m.*</del>	<del>\$400.00</del>
<del>c. After 5:00 p.m., or Sunday w/no set-up</del>	<del>\$500.00</del>
<del>d. Sunday (with set-up) 9:00 a.m. – 4:00 p.m.</del>	<del>\$650.00</del>
<del>(10) Mausoleum Interment</del>	
<del>a. Monday – Saturday 9:00 a.m. – 5:00 p.m.*</del>	<del>\$450.00</del>
<del>b. Monday – Saturday after 5:00 p.m.</del>	<del>\$550.00</del>
<del>c. Sunday 9:00 a.m. – 4:00 p.m.</del>	<del>\$750.00</del>
<del>(11) Other Interments/Services:</del>	
<del>a. Disinterment /Reinterment 9:00 a.m. – 5:00 p.m.*/**</del>	<del>\$500.00</del>
<del>b. Reinterment with set up 9:00 a.m. – 5:00 p.m.*/**</del>	<del>\$650.00</del>
<del>c. Indigent interment 9:00 a.m. – 5:00 p.m.*/**</del>	<del>\$250.00</del>
<del>d. Additional set-ups include (1) one tent and (12) twelve chairs –</del>	<del>\$200.00</del>

~~\* Funeral Services should be concluded by 5:00 p.m. at the cemetery. Any funeral not concluded by 5:00 p.m. will be billed at the after 5:00 p.m. rate.~~

~~\*\* Must be conducted Monday Friday during normal business hours~~

~~\* Plus applicable doc stamps and recording fees, to be collected at time of lot sale~~

~~\*\* Cremains may be interred in an adult or infant lot or cremains-only lot, or in an existing adult or infant gravesite at the head or foot of the casket, or in addition to an existing urn in a cremains-only lot.~~

~~\*\*\* All burial permit requests shall be made at least one full business day prior to burial preparation during regular cemetery office hours.~~

~~\*\*\*\* Fee may be reduced by the city manager in emergency situations.~~

~~• Funeral Services may be conducted on City observed holidays; however, all “Other Interments” exclude City observed legal holidays.~~

~~• All funeral arrangements shall be scheduled two full business days prior to services~~

**Section VIII.** In the event a funeral director violates any provision of this Ordinance and fails to correct the violation within thirty (30) days after being notified in writing of the violation, the City shall refuse to allow the funeral director to bury, or cause to be buried, any person in any City cemetery until the violation has been corrected.

**Section IX.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section X.** 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 XI.** This Ordinance shall become effective November 1, 2015.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 22<sup>nd</sup> day of October, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CITY ATTORNEY**



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**ORDINANCE** - 161 Comfort Road - Planning Board recommendation to rezone from R-1AA (Single-Family Residential) to M-1 (Light Industrial) - Pumpcrete America, Inc., Owners; Palatka Building & Zoning Dept., Applicant - 1st Reading

**SUMMARY:**

This is a first reading of ordinance rezoning this property to an light industrial zoning designation. The property is already developed and occupied by a concrete contracting business. It has the Future Land Use Map (FLUM) designation of IN (Industrial), which "trumps" the residential zoning. This is a housekeeping measure that will bring the zoning into conformance with the FLUM/Comp Plan and with existing development.

**RECOMMENDED ACTION:**

**Pass on first reading an ordinance assigning M-1 (Light Industrial) zoning designation to 161 Comfort Rd.**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Rezoning Ordinance	Backup Material
▢ Planning Board Minutes Excerpt	Backup Material
▢ Staff Report	Backup Material

**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 3:23 PM
City Clerk	Driggers, Betsy	Approved	10/8/2015 - 8:21 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:26 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:31 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:42 AM

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM R-1AA (SINGLE-FAMILY RESIDENTIAL) TO CITY M-1 (LIGHT INDUSTRIAL) FOR THE FOLLOWING PROPERTY: 161 COMFORT ROAD (SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: Pumpcrete American, Inc., for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on August 4, and two public hearings before the City Commission of the City of Palatka on October 22, 2015 and November 12, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

STINWELL SUBURBAN FARMS MB2 P39 PT OF LOT 7 OR584 P301 (MAP SHEET 37D) (Being 161 Comfort Road)/ tax parcel # 37-09-26-0000-0060-0062)

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed

or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** 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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES (draft)**  
**September 1, 2015**



Call to Order: Members present: Daniel Sheffield, Joe Pickens, Earl Wallace Charlie Douglas, Anthony Harwell Tammy Williams, Joseph Petrucci. Members absent: None.

Motion made by Mr. Petrucci and seconded by Mr. Pickens to approve of the minutes of the July 7, 2015 meeting with corrections. Motion carried unanimously.

The Chairman then explained appeal procedures and ex-parte communication rules.

**OLD BUSINESS:**

**Case 15-29** A request to rezone from R-1AA (Single-Family Residential) to M1 (Light Industrial), located at **161 Comfort Rd.** (tabled from August 4, 2015).  
**Owner:** Pumpcrete America

Mr. Crowe explained that there is a zoning conflict with this property as the Comprehensive Plan's Future Land Use Map shows industrial land use and the zoning for the property is Single-family Residential. The Comprehensive Plan always prevails, so this effort is a housekeeping measure to conform with the Plan and with the existing land use pattern. He stated that this does not create an isolated zoning district, as there is Light Industrial zoning to the north and to the west. He recommended approval.

**Motion** made by Mr. Pickens and seconded by Mr. Harwell to approve the request as recommended. All present voted affirmative, motion carried unanimously.

**NEW BUSINESS:**

**Case 15-33** EAR (Evaluation Appraisal Report) of the Comprehensive Plan: approval of Major Issues.

Chairman Sheffield explained that the Comprehensive Plan is a road map for the City of Palatka. This item is quite detailed and complex and will be reviewed in sections. He said no action would be taken today but it will be reviewed again in November. Mr. Crowe stated that he will also make himself available to each Board member individually to answer any questions they may have.

Mr. Crowe explained that in 2011 public workshops were held and there were 5 major issues cited:

- 1) Historic Preservation,
- 2) Economic Development
- 3) Transportation Level of service
- 4) Trails and Parks, and



**Case 15-29: 161 Comfort Rd.  
Administrative Request to Rezone  
Applicant: Building & Zoning Dept.**

**STAFF REPORT**

**DATE:** August 21, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

**APPLICATION REQUEST**

This is an administrative request to rezone the following property from R-1AA (Single-Family Residential) to M-1 (Light Industrial). Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). To date Staff has received no objections from adjacent property owners or City department heads.

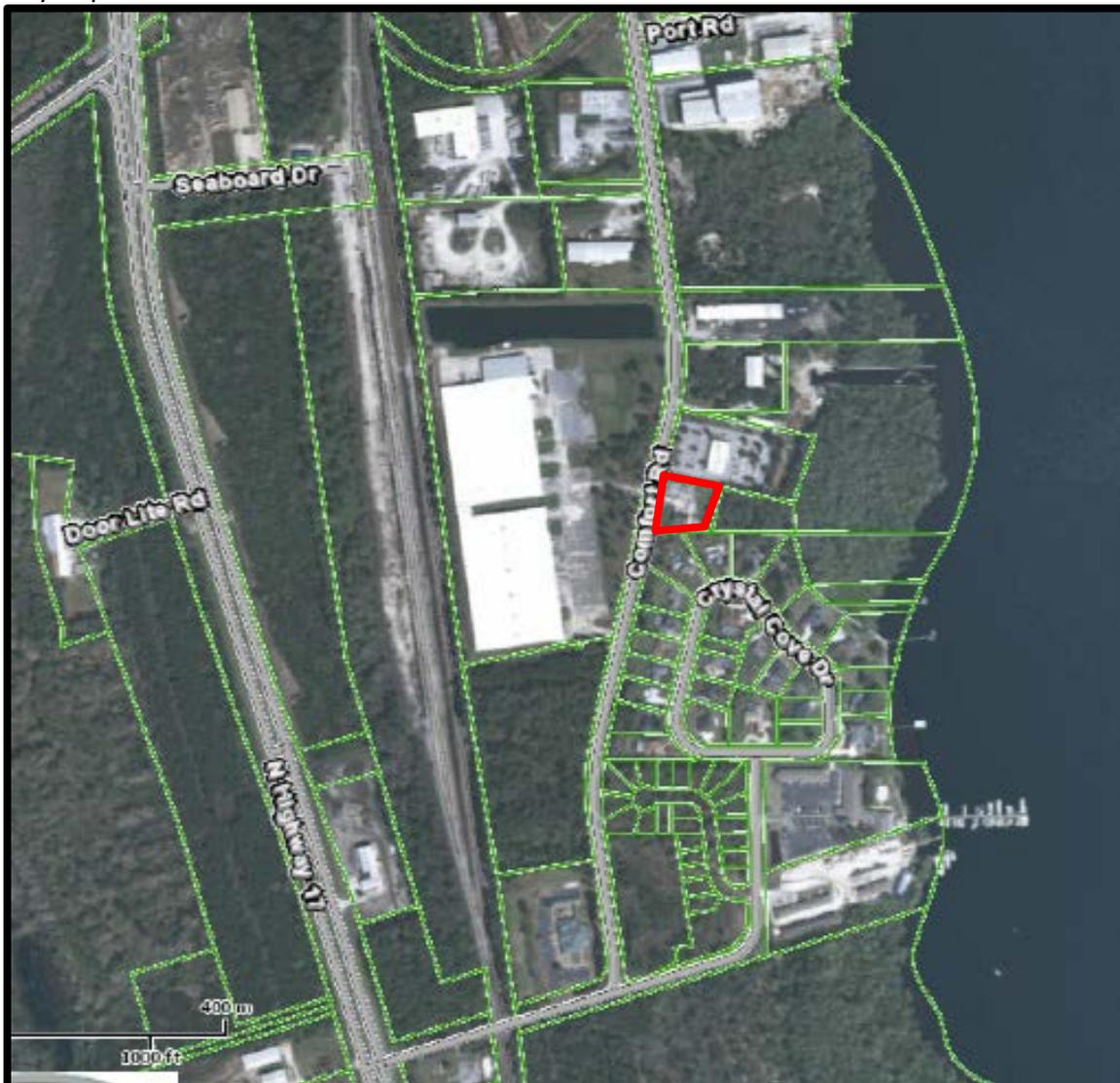


Figure 1: Site and Vicinity Map



Figure 2: Site from Comfort Rd.

**APPLICATION BACKGROUND**

The property under consideration is a developed industrial site, occupied by Pumpcrete, a concrete contracting business which specializes in floors, footings, foundations, retaining walls, and driveways associated with new construction. Tables 1 and 2 provide summary land use information.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning		Actual Use
Current	Proposed	Current	Proposed	
IN (Industrial)	IN (Industrial)	R-1AA (Single-Family Resid.)	M-1 (Light Manufacturing)	Concrete Contractor

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning	Actual Use
North of Site	IN (Industrial)	M-1 (Light Manufacturing)	Welding shop
East of Site	IN (Industrial)	IH (Industrial Heavy)	Undeveloped
West of Site (across Comfort Rd)	County IN (Industrial)	IH (Industrial Heavy)	Vacant Industrial Building
South of Site	RL (Residential, Low Density)	R-1AA (Single-Family Resid.)	Single-family dwellings

The IND Future Land Use Map (FLUM) category is described in the Future Land Use Element as follows.

3. *Industrial (258 acres)*

*Land designated for industrial use is intended for activities that are predominantly associated with the manufacturing, assembly, processing, or storage of products. Industrial land use provides for a variety of intensities of use including heavy industry, light industry, and industrial park operations. Land Development Regulations shall provide requirements for buffering industrial land uses (i.e., sight, access noise) from adjacent land uses of lesser density or intensity of use. The intensity of industrial land use, as measured by impervious surface shall not exceed 90 percent of the parcel. The maximum height of development shall not exceed 45 feet.*

**PROJECT ANALYSIS**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).



*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** Staff is not aware of any changed conditions that make this amendment necessary.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the properties to a designation similar to the adjacent zoning and better fitting the existing use will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning are already developed and thus traffic congestion or public safety will not be affected.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** All development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for the already-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** See response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** Based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** Providing a FLUM and zoning designations to a property that is similar to the designation of surrounding properties is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** despite being “trumped” by the industrial land use, the residential zoning does not allow the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** The property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** Not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** Not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable future land use amendment and rezoning criteria. Staff recommends approval of rezoning from R-1AA to M-1 for 161 Comfort Rd.



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**ORDINANCE** rezoning 521 S. 13th St. - Planning Board recommendation to rezone property from R-1A (Single-Family Residential) to PBG-1 (Public Buildings & Grounds)- City of Palatka, Owner/Applicant - 1st Reading

### **SUMMARY:**

This is a first reading of ordinance rezoning this property to PBG-1 (Public Buildings and Grounds) zoning designation, a zoning that is intended for properties under public ownership and intended for non-park related public, quasi-public, or institutional use. The property is currently used for quasi-public uses, infrequently utilized by the American Red Cross, and lightly used by the Bridge Club and Chess Club. This zoning would allow the Heart of Putnam Food Pantry to take over the Red Cross lease and use three half-days a week for a food pantry.

### **RECOMMENDED ACTION:**

**Pass on first reading an ordinance assigning PBG-1 (Public Buildings and Grounds) zoning designation to 521 S. 13th St.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Ordinance	Ordinance
▢ Planning Board Minutes	Backup Material
▢ Staff Report	Backup Material
▢ Power Point presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 8:07 PM
City Clerk	Driggers, Betsy	Approved	10/8/2015 - 8:33 PM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:27 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:32 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:43 AM

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO PBG-1 (PUBLIC BUILDINGS AND GROUNDS) FOR THE FOLLOWING PROPERTY: 521 SOUTH 13<sup>TH</sup> STREET (SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owner of said property: City of Palatka, for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on October 6, and two public hearings before the City Commission of the City of Palatka on October 22, 2015 and November 12, 2015, 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 PEOPLE OF THE CITY OF PALATKA, FLORIDA:**

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

DICKS MAP OF PALATKA MB2 P46 BLK 211 LYING N OF SR 20 (THE VILLAGE N/K/A COOPER COMMUNITY CENTER) (Being 521 South 13<sup>th</sup> Street)/ tax parcel # 42-10-27-6850-2110-0011)

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** 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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES (draft)**  
**October 6, 2015**



Meeting called to order by Acting Chairman Joseph Petrucci, who volunteered for the duty. Chairman Sheffield and Vice-Chairman Pickens both had excused absences.

Members Present: Earl Wallace, Anthony Harwell, George DeLoach and Joseph Petrucci and Tammie Williams. Members absent: Chairman Daniel Sheffield, Joseph Pickens, Charles Douglas, Jr. Also present: City Attorney Don Holmes, Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Mr. DeLoach and seconded by Ms. Williams to approve the minutes of the August 4, 2015 meeting. All present voted affirmative. Motion carried unanimously.

Appeal procedures and ex-parte communication reminders were read by Chairman Petrucci.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- (a) A request for a conditional use to locate an alcohol serving establishment within 300 feet of another alcohol serving establishment located at **3810 Crill Ave.**

**Owner:** EPF Investments, LLC

**Applicant:** George H. Ashby, Jr.

Mr. Crowe explained that the applicant requested this item be tabled until the November meeting.

**Motion** made by Mr. DeLoach and seconded by Ms. Williams to table this request until the November 3, 2015 meeting. All present voted affirmative. Motion carried.

- (b) Administrative request to amend the Palatka Zoning Code Sec. 94-149, 94-153, 94-161, 94-162 allowing produce truck sales and food trucks under certain conditions and restrictions in downtown, public, and commercial zoning districts.

Mr. Crowe explained that in a recent commission meeting the City Commission was approached by the Heart of Putnam Food Pantry to allow produce trucks, but the Zoning Code did not allow for this kind of activity so City Commission directed to look into possibly developing an ordinance that would allow for this. Staff looked into a number of ways to combat the food desert that occurs in parts of the City to proposing regulations allowing produce trucks, food trucks, food pantries, and produce stands accompanying convenience stores. Farmers Markets are already allowed in the downtown zoning districts by conditional use, it is just that no one at this point has tackled the market.

Mr. Crowe said the first item was produce trucks which would connect fresh produce from area farms direct to consumers in areas where such goods are not readily available. These trucks are already operating in the northeast Florida region, usually on a weekly basis to designated locations

such as elderly housing, institutional settings and even some neighborhoods that are in need of fresh produce. The proposed definition described produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods to approved locations within the City.” He reviewed the recommended standards:

1. Allowable sales items include of locally produced fresh produce and cottage foods.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-C3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Mr. Crowe explained that Zoning Code text amendments have two criteria, one is need & justification and the second is compliance with the Comprehensive Plan. With regards to the need issue, he said while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents. He added that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances and recommended approval of the amendment with the proposed standards.

Mr. Crowe added that Staff is proposing a change to what was in the packet – the elimination of the requirement that produce be grown locally. His discussions with the Farm-to-Family staff convinced him that at different times of the year it will be necessary to bring in produce from out of the region and even the state to maintain the program.

Mr. Petrucci asked why the limitation to non-profits. Mr. Crowe stated that because food assistance to the needy is a quasi-public activity helping residents which the city is supporting and wants to promote. Staff believes this is a laudable program but would not want to see it go beyond what it is as a charitable endeavor and turn into essentially a retail store out of a truck. He said there were plenty of opportunities for different non-profits to participate in a program like this, including churches.

Mr. Holmes initiated discussion regarding parking and possible conflicts with required parking in public parking lots of such places as rental facilities. Mr. Crowe responded that facility rental events

and produce truck events could not occur simultaneously with business or operation times that would claim the bulk of the parking – this was a scheduling issue. He said that the event planning would be reviewed on a case-by-case basis by the Building & Zoning Department.

Mr. DeLoach stated that he has seen the same type of operation by the high school and middle school F.F.A.'s, (Future Farmers of America) where they grow their own garden and it has been an excellent program.

Mr. Harwell stated that he had issue with the restriction for non-profit as it doesn't help the small guy who wants to start his own produce business but it would still hurt other produce companies that are out there. Mr. Crowe explained that this is not intended to be a business prototype, but rather a charitable outreach prototype.

Allegra Kitchens, 1027 S 12<sup>th</sup> St. spoke in support of the request and the idea of using local produce whenever possible, understanding the seasonal issue. She added stating that while non-profits may make money, they do not use it to their own good. They put it back into helping people and do not believe that this would not be in competition with a produce stand. This is basically a food give away and it is not every day, twenty-four-seven. She agreed that public property should be limited to non-profits.

Mr. Holmes asked if there should be a limitation as to the number of days per week, per site. Mr. Harwell suggested that if consideration was going to be given to limiting the number of days of operation per site, which would limit the permanency and number of locations concerns - then maybe removing the limitation of non-profits should be considered as well. Mr. Crowe stated that the proposed amendment allows this use on a pretty broad range and the commercial zoning could also be taken out of the equation (limiting it to public property and institutional type property) to lessen the potential competition with businesses and general proliferation.

Mr. Petrucci asked what the process would be for someone to bring a produce truck. Mr. Crowe explained that the applicant would have to get a business license with the City. At that time, operational procedurally, we would go over the rules and require a sketch plan (showing location of the truck on the property, parking, any tables to be use used etc.) for review. Discussion continued regarding additionally requiring liability insurance naming City of Palatka as additional insured.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval of the amendment as presented by to allow produce sales trucks with the additional conditions of no more than two days per week and for the applicant to provide liability insurance naming City of Palatka as additional insured. DISCUSSION: Mr. Petrucci asked if the motion included limiting the produce to locally grown only. Mr. Yes, that in his experience, it would be very limiting to only include the surrounding area farms, referring to seasonal food only. Mr. Harwell stated that he was against not allowing everyone else. All present voted, resulting in 4 yeas and 1 nay (Mr. Harwell). Motion carried.

Mr. Crowe reviewed the second part of the proposed amendment regarding food trucks; explaining that staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve

food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.” The proposed amendment will allow for as food trucks as this type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Food Trucks are becoming increasingly popular in towns and cities throughout the country creating spark and activity and business revitalization. He recommended approval with the following recommended conditions and safeguard:

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

Discussion ensued regarding condition item # 12; requirement for available restroom facilities. Mr. Crowe stated that it would require anyone working the food truck to have access to a restroom facility.

Mr. Harwell asked if a local license was required. Mr. Crowe replied yes as well as a state license. Mr. Harwell suggested striking the requirement for restroom facilities. Mr. Crowe explained

**Motion** made by Mr. Harwell to recommend approval of the requested amendment submitted by Staff to define and allow food trucks with as recommend with the addition of allowing the use in M-1 zoning district. All present voted affirmative.

- (c) Administrative request to amend the Palatka Zoning Code Sec. 94-2 to add definition of “food pantry” and “charitable institutions,” and to allow such uses in the PBG-1 (Public Buildings and Grounds) and C-2 (Commercial Intensive) zoning districts as a conditional use.

Mr. Crowe explained that Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need, and are not currently recognized in our Zoning code. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. He proposed to define charitable institutions as “charitable entities that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.” He added that this change adds a logical allowable use to the PBG-1 and C2 zoning categories. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs. Mr. Crowe advised that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances. He recommended approving the definition of food pantry, as presented and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.

Discussion took place regarding charitable institutions and Mr. Holmes suggested that the definition should be specified. Suggesting defining them as a non-profit with a 501 C-3 designation or one that qualifies under the rules of the Internal Revenue Service as an organization whom contributions are deductible.

Mr. Petrucci asked if churches would be allowed to have a food pantry regardless of zoning. Mr. Crowe stated that one must distinguish those activities associated with churches that are customary and incidental. It is customary for most churches do charitable giveaways of canned goods, for example, and that is considered a customary and minor use and must stay at that level, not morphing into a food serving establishment, however, that is not to say that it isn’t expected that a church would have an occasional lunch or dinner for its members, but when that becomes regular, reoccurring event that brings a lot of people and overwhelms the activities of the main use, then it is going beyond accessory and minor. This is considered on a case-by-case basis and when the occasional and incidental function becomes more primary, then that is a different consideration and zoning constraints come into the picture. He explained there is a difference between food pantry/closets where the merchandise is given to the recipient to take with them and a feeding program where the food is generally prepared and consumed on property.

Mr. Petrucci shared that he remembered his church as a youth having a food pantry and giving food away. Mr. Holmes stated that the definition should be expounded upon. Discussion continued regarding the many customary types of food donated to food pantries, mainly pre-packaged type items to include can goods, frozen foods, meats, cheese, breads and cakes.

Jared Dollar, 113 Vintage Ln. Satsuma, was present representing Heart of Putnam and explained that a lot of the donated food for distribution that are non-perishable items such as fresh fruit, vegetables, and cheese, however, none of it is prepared or cooked on-site.

Sandra Bayless, 151 Peniel Church Rd, said that in addition to can and dried goods, they get frozen meats which is considered perishable.

Mr. Holmes stated that if the intent is to distinguish between a food pantry and a feeding program, a line will have to be drawn somewhere.

**Motion** made by Mr. DeLoach to approve, seconded by Ms. Williams to approve the request as recommended except to replace non-perishable food with language regarding food not prepared on site and that is consumed off premise. All present voted, resulting with 4 yeas and 1 nay (Mr. Harwell). Motion carried.

- (d) Administrative request to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.

Mr. Crowe said the property currently has residential zoning and land use designations, despite its public ownership (City) and current institutional functions (the building is occupied by the Bridge Club, Chess Club, and American Red Cross.). Staff believes these are appropriate designations. He added that at a recent commission meeting the Heart of Putnam proposed to take over the Red Cross lease, hence requiring these zoning text and map changes. A companion amendment adds the food pantry use as a conditional use in the PBG-1 and C-2 zoning districts. He said that there is an Applicant applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above. The request does not conflict with the Comprehensive Plan and is located within what is called a transitional zoning area between the more intense railroad industrial area and the residential Palatka Heights. Less intensive public and quasi-public uses are appropriate in such areas. He recommended approval of the request and asked that the land use and zoning be considered as two separate actions.

Mr. Sam Willis, 1309 Crill Ave. stated that he lives within 150' of the subject property and spoke in opposition of the rezoning and said he represented several neighborhood property owners that were also against the rezoning and land use amendment, including Mr. Randy Matthews who owned the storage facilities nearby. He said they did not want to see the residential designation changed, citing that it was already a dangerous intersection at S. 13<sup>th</sup> St. and Crill Av. with three to four accidents per year there. He stated that they believed that this amendment and additional traffic would have the potential to negatively affect the quality of life for them.

Allegra Kitchens, said that that Crill and 13<sup>th</sup> St. agreed that is a dangerous intersection with high activity. She pointed out that the current uses this location and did not believe that the uses would be any more intensive. She stated that she was in support of the rezoning and land use amendment as it would be more appropriate for the current uses that are there and have been there in the past.

Mr. Jared Dollar, with the Heart of Putnam, said that this is a rezoning and land use consideration only and the that the pantry use will come up for discussion at next month's meeting.

Mr. Harwell stated that he did not agree with Staff, that this is a quiet residential area, a good quality area and is in favor of keeping the designations the way they are. He said he is a believer in the "if it isn't broken don't fix it."

**Motion** made by Mr. Harwell to deny the request amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) for 521 & 523 S. 13th St. Motions died for a lack of a second.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.. Vote resulted in 4 yeas and 1 nay (Mr. Harwell). Motions carried.

- (e) Administrative request to amend the Palatka Municipal Code Sec. 70-31 revising restrictions applicable to mobile food vendors and push carts operating on public sidewalks in downtown zoning districts.

Mr. Crowe expressed that Staff has withdrawn this request, as it is not governed by the Board and will go forward to the City Commission.

No action was taken.

- (f) Administrative request to Annex, amend the Future Land Use map from County UR (Urban Reserve) to City RL (Residential Low-density) and rezone from County R-2 (Residential, Mixed) to City R-1A (Single-family Residential)  
Located at - **202 Florida Dr.**

Mr. Crowe advised reviewed the criteria for annexation, Future Land Use map amendments and rezoning. He recommend

Motion made by Mr. DeLoach and seconded by Mr. Wallace. to recommend approval for annexation. All present voted affirmative, motion carried unanimously.

Mr. Wall and Mr. Deloach to amend land use. Unanimously

Rezoning Mr. DeLoach and Mr. Wallace. Unanimously

**521 S. 13<sup>th</sup> St.**  
**Request to Amend Future Land Use Map and Rezone**  
Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** September 29, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

To amend FLUM, and rezone the property below from residential to public use. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (property outlined in red)

**APPLICATION BACKGROUND**

The property under consideration currently has residential zoning and land use designations, despite its public ownership (City) and institutional function (the building is occupied by the Bridge Club, Chess Club, and American Red Cross, each of which has a lease with the City). The Red Cross proposes to transfer its lease to the Heart of Putnam Food Pantry, which will propose to utilize the Red Cross’s part of the building for non-perishable food disbursement to the needy. The Pantry was recently forced to move from its location on 820 Reid St. as its lease was not renewed at that location. The property and its current and proposed FLUM and zoning classifications are shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current	Proposed	Current	Proposed
RL (Residential, Low)	PB (Public Buildings & Grounds)	R-1A (Residential Single-Family)	PBG-1 (Public Buildings & Grounds)

Staff is presenting these applications as an administrative action as it is the property owner, and a public FLUM and zoning designation are appropriate for the property. A companion amendment would add a food pantry use as a conditional use in the PBG-1 zoning district, and the Applicant is applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above.

**PROJECT ANALYSIS**

**Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

*Policy A.1.9.3*

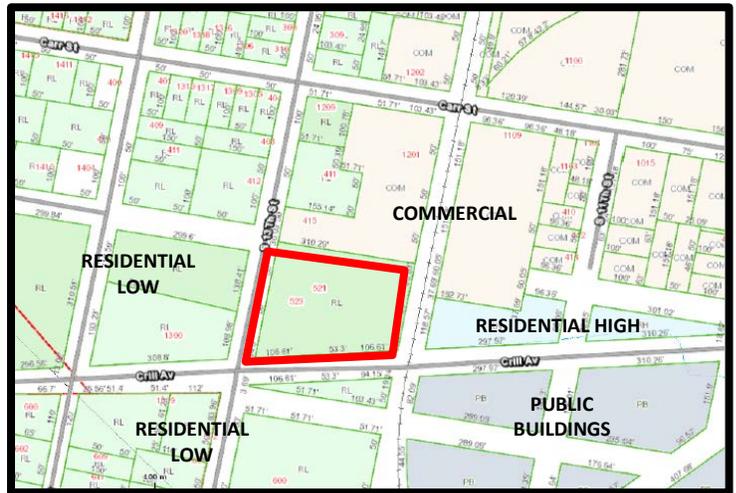
*A. Land Use Districts*

*5. Public Buildings and Grounds (11 acres)*

Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, colleges and ancillary uses including student residences, administrative offices, and sports facilities, and similar uses. The intensity of development in this land use category, as measured by impervious surface, shall not exceed 65 percent. Floor area ratios shall not exceed 1.0, and intensity may be further limited by intensity standards of the Zoning Code.

**Staff Comment:** the property is now in the Residential Low FLUM category, which is mostly limited to single-family uses. The proposed City FLUM category is Public Buildings & Grounds – intended for public, quasi-public, and institutional offices and agencies. Municipal Code Section 94-111(b) allows the PBG-1 zoning category within the PB land use category, which provides Comprehensive Plan category conformance.

As the map to the right shows, the property is in a transitional land use area between the residential Palatka Heights neighborhood and the railroad industrial area southwest of the downtown. The PB FLUM is appropriate as a transitional land use category with an intensity level between that of commercial and residential uses.



*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is fully served by urban services and infrastructure including water and sewer.

Figure 2: Vicinity Future Land Use Map (FLUM) Designations

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. This action does not represent urban sprawl.

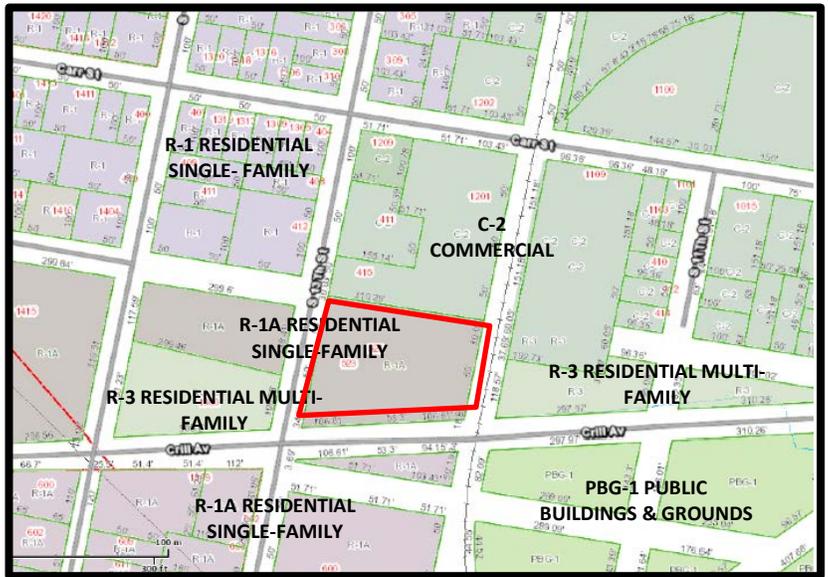
### **Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.



b. The existing land use pattern.

**Staff Comment:** this property is in a transitional zoning area between the commercial/industrial uses around the railroad and southwest of downtown and the Palatka Heights neighborhood. The residential land use and zoning is not the best match due to the public and quasi-public uses taking place in the building, similar to the Masonic Hall to the west.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

**Staff Comment:** it is acceptable to have isolated public districts, since such uses can be sprinkled throughout a neighborhood without a great deal of negative impacts. Where it would not be appropriate to “spot-zone” commercial uses into neighborhoods, due to their outsized traffic and other impacts, low-intensity public and quasi-public uses fit better into a neighborhood setting. This property is a good example of that low intensity – the Bridge and Chess Clubs meet on a weekly basis at most, the Red Cross rarely uses the building, and the Pantry proposes to utilize it three half-days a week.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

**Staff Comment:** this existing use would have minimal impacts on public facilities.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**Staff Comment:** see response to c. above.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

**Staff Comment:** not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

**Staff Comment:** the limited impacts of public and quasi-public uses will not adversely affect neighborhood living conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

**Staff Comment:** residential and public traffic impacts are not too dissimilar. A single-family home produces around 20 trips a day, and just as an example of a public use the proposed food pantry according to the Applicant will generate a maximum of around 210 cars per week in a concentrated 14 hour time period, which averages to around 15 per hour and 70 per day. While S. 13<sup>th</sup> St. does carry some traffic between Crill Ave. & SR 100, most of the cars will be coming from Crill Ave., a state road and major thoroughfare. While the food pantry is being used as an example of a possible public use, it should be noted that this specific use is not under consideration, as that would occur in the form of a separate conditional use application.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** not applicable as this is an existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** this existing developed site will not reduce light and air to adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** no adverse property values are anticipated since public/quasi-public uses (lodges, churches, public offices, community centers) are commonly found in established residential areas without significant detriment to property values and quality of life. Negative impacts are usually attributable to significantly higher levels of traffic, noise, light, and other impacts than would be found in a residential area, and uses like this are most often subject to conditional use review that provides a more careful and detailed review. This will occur at the November meeting for the proposed food pantry in the form of a conditional use application.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the changes will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to property that matches their public ownership and quasi-public use is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** the City public land use and zoning are in keeping with the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property and its proposed use will not be out of scale with the neighborhood and City. The site is adjacent to a mini-storage facility, which is an intensive commercial or even industrial use, and other intensive developments are further to the north. Crill Ave. to the south is an arterial roadway. The building is not oriented to the residential area that lies north and west of this property.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

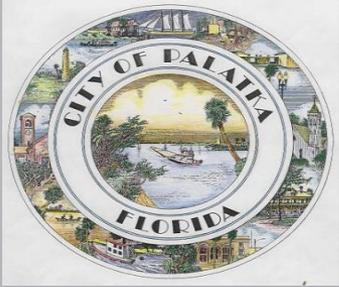
*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable future land use amendment and rezoning criteria. Staff recommends approval of the amendment of Future Land Use Map category to PB (Public Buildings & Grounds) and rezoning to PBG-1 (Public Buildings and Grounds) for 521 S. 13<sup>th</sup> Street.



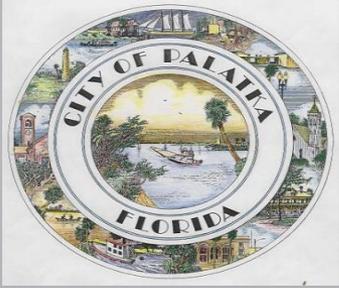


# FLUM AMENDMENT & REZONING 521 S. 13<sup>TH</sup> ST FROM CRILL AVE



© 2015 Google  
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Google earth



# FLUM AMENDMENT & REZONING 521 S. 13<sup>TH</sup> ST

FROM S. 13<sup>TH</sup> ST - TENNIS COURTS TO  
LEFT, WAREHOUSES IN BACKGROUND





## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**ORDINANCE** - Planning Board Recommendation to amend Zoning Code Section 94-2, 94-149, and 94-153 to define food pantries with such uses allowed by conditional use permit in C-2 (Intensive Commercial) and PBG-1 (Public Buildings and Grounds) zoning districts - First Reading.

### **SUMMARY:**

This is first reading of an ordinance that will amend the Zoning Code to allow for food pantries. The Planning Board distinguished this use from feeding programs by the limitation that food goods cannot include those that are prepared or cooked on the premises, and must not be consumed on the premises. The Planning Board recommended approval of this amendment at their October 6th meeting in a 4-1 vote.

### **RECOMMENDED ACTION:**

**Pass on first reading an ordinance defining food pantries and allowing them in the C-2 and PBG-1 zoning districts as conditional uses.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Zoning Code Text Amendment Ordinance	Ordinance
▣ Planning Board Minutes	Backup Material
▣ Staff Report	Backup Material
▣ Power Point presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 7:58 PM
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 9:08 AM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:25 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:29 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:41 AM

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

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF  
PALATKA, FLORIDA, CREATING A  
DEFINITION FOR FOOD PANTRIES AND  
ALLOWING SUCH USES IN C-2  
(INTENSIVE COMMERCIAL) AND PBG-1  
(PUBLIC BUILDINGS AND GROUNDS)  
ZONING CATEGORIES THROUGH THE  
CONDITIONAL USE PERMIT PROCESS;  
PROVIDING FOR SEVERABILITY AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the Building and Zoning Department 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 October 6, 2015, and two public hearings before the City Commission of the City of Palatka on October 22, 2015, and November 12, 2015; 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.** That Chapter 94, Zoning Code, Sections 94-2(b), 94-149(b) and 94-5-153(b) shall be and the same is hereby amended as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**EXHIBIT "A" - ZONING CODE CHANGES**

**Sec. 94-2. - Definitions and rules of construction** - that Section 94-2(b) shall be amended to add the following definition for "Food Pantry:"

Food pantry means a facility, run by a non-profit 501c3 organization, that distributes at no or low cost a non-prepared and non-cooked food, and can also distribute basic hygiene products, household supplies, and limited clothing.

**Sec. 94-149. - C-2 intensive commercial district** - Sec. 94-149(e) shall be amended to add the following conditional uses:

Food pantries.

All other provisions of Sec. 94-149 shall remain unchanged.

**Sec. 94-153. - PBG-1 public buildings and grounds district** - section 94-153(c) shall be amended to add the following conditional use:

Food pantries.

All other provisions of Sec. 94-153 shall remain unchanged.

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES (draft)**  
**October 6, 2015**



Meeting called to order by Acting Chairman Joseph Petrucci, who volunteered for the duty. Chairman Sheffield and Vice-Chairman Pickens both had excused absences.

Members Present: Earl Wallace, Anthony Harwell, George DeLoach and Joseph Petrucci and Tammie Williams. Members absent: Chairman Daniel Sheffield, Joseph Pickens, Charles Douglas, Jr. Also present: City Attorney Don Holmes, Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Mr. DeLoach and seconded by Ms. Williams to approve the minutes of the August 4, 2015 meeting. All present voted affirmative. Motion carried unanimously.

Appeal procedures and ex-parte communication reminders were read by Chairman Petrucci.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- (a) A request for a conditional use to locate an alcohol serving establishment within 300 feet of another alcohol serving establishment located at **3810 Crill Ave.**

**Owner:** EPF Investments, LLC

**Applicant:** George H. Ashby, Jr.

Mr. Crowe explained that the applicant requested this item be tabled until the November meeting.

**Motion** made by Mr. DeLoach and seconded by Ms. Williams to table this request until the November 3, 2015 meeting. All present voted affirmative. Motion carried.

- (b) Administrative request to amend the Palatka Zoning Code Sec. 94-149, 94-153, 94-161, 94-162 allowing produce truck sales and food trucks under certain conditions and restrictions in downtown, public, and commercial zoning districts.

Mr. Crowe explained that in a recent commission meeting the City Commission was approached by the Heart of Putnam Food Pantry to allow produce trucks, but the Zoning Code did not allow for this kind of activity so City Commission directed to look into possibly developing an ordinance that would allow for this. Staff looked into a number of ways to combat the food desert that occurs in parts of the City to proposing regulations allowing produce trucks, food trucks, food pantries, and produce stands accompanying convenience stores. Farmers Markets are already allowed in the downtown zoning districts by conditional use, it is just that no one at this point has tackled the market.

Mr. Crowe said the first item was produce trucks which would connect fresh produce from area farms direct to consumers in areas where such goods are not readily available. These trucks are already operating in the northeast Florida region, usually on a weekly basis to designated locations

such as elderly housing, institutional settings and even some neighborhoods that are in need of fresh produce. The proposed definition described produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods to approved locations within the City.” He reviewed the recommended standards:

1. Allowable sales items include of locally produced fresh produce and cottage foods.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-C3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Mr. Crowe explained that Zoning Code text amendments have two criteria, one is need & justification and the second is compliance with the Comprehensive Plan. With regards to the need issue, he said while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents. He added that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances and recommended approval of the amendment with the proposed standards.

Mr. Crowe added that Staff is proposing a change to what was in the packet – the elimination of the requirement that produce be grown locally. His discussions with the Farm-to-Family staff convinced him that at different times of the year it will be necessary to bring in produce from out of the region and even the state to maintain the program.

Mr. Petrucci asked why the limitation to non-profits. Mr. Crowe stated that because food assistance to the needy is a quasi-public activity helping residents which the city is supporting and wants to promote. Staff believes this is a laudable program but would not want to see it go beyond what it is as a charitable endeavor and turn into essentially a retail store out of a truck. He said there were plenty of opportunities for different non-profits to participate in a program like this, including churches.

Mr. Holmes initiated discussion regarding parking and possible conflicts with required parking in public parking lots of such places as rental facilities. Mr. Crowe responded that facility rental events

and produce truck events could not occur simultaneously with business or operation times that would claim the bulk of the parking – this was a scheduling issue. He said that the event planning would be reviewed on a case-by-case basis by the Building & Zoning Department.

Mr. DeLoach stated that he has seen the same type of operation by the high school and middle school F.F.A.'s, (Future Farmers of America) where they grow their own garden and it has been an excellent program.

Mr. Harwell stated that he had issue with the restriction for non-profit as it doesn't help the small guy who wants to start his own produce business but it would still hurt other produce companies that are out there. Mr. Crowe explained that this is not intended to be a business prototype, but rather a charitable outreach prototype.

Allegra Kitchens, 1027 S 12<sup>th</sup> St. spoke in support of the request and the idea of using local produce whenever possible, understanding the seasonal issue. She added stating that while non-profits may make money, they do not use it to their own good. They put it back into helping people and do not believe that this would not be in competition with a produce stand. This is basically a food give away and it is not every day, twenty-four-seven. She agreed that public property should be limited to non-profits.

Mr. Holmes asked if there should be a limitation as to the number of days per week, per site. Mr. Harwell suggested that if consideration was going to be given to limiting the number of days of operation per site, which would limit the permanency and number of locations concerns - then maybe removing the limitation of non-profits should be considered as well. Mr. Crowe stated that the proposed amendment allows this use on a pretty broad range and the commercial zoning could also be taken out of the equation (limiting it to public property and institutional type property) to lessen the potential competition with businesses and general proliferation.

Mr. Petrucci asked what the process would be for someone to bring a produce truck. Mr. Crowe explained that the applicant would have to get a business license with the City. At that time, operational procedurally, we would go over the rules and require a sketch plan (showing location of the truck on the property, parking, any tables to be use used etc.) for review. Discussion continued regarding additionally requiring liability insurance naming City of Palatka as additional insured.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval of the amendment as presented by to allow produce sales trucks with the additional conditions of no more than two days per week and for the applicant to provide liability insurance naming City of Palatka as additional insured. DISCUSSION: Mr. Petrucci asked if the motion included limiting the produce to locally grown only. Mr. Yes, that in his experience, it would be very limiting to only include the surrounding area farms, referring to seasonal food only. Mr. Harwell stated that he was against not allowing everyone else. All present voted, resulting in 4 yeas and 1 nay (Mr. Harwell). Motion carried.

Mr. Crowe reviewed the second part of the proposed amendment regarding food trucks; explaining that staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve

food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.” The proposed amendment will allow for as food trucks as this type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Food Trucks are becoming increasingly popular in towns and cities throughout the country creating spark and activity and business revitalization. He recommended approval with the following recommended conditions and safeguard:

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

Discussion ensued regarding condition item # 12; requirement for available restroom facilities. Mr. Crowe stated that it would require anyone working the food truck to have access to a restroom facility.

Mr. Harwell asked if a local license was required. Mr. Crowe replied yes as well as a state license. Mr. Harwell suggested striking the requirement for restroom facilities. Mr. Crowe explained

**Motion** made by Mr. Harwell to recommend approval of the requested amendment submitted by Staff to define and allow food trucks with as recommend with the addition of allowing the use in M-1 zoning district. All present voted affirmative.

- (c) Administrative request to amend the Palatka Zoning Code Sec. 94-2 to add definition of “food pantry” and “charitable institutions,” and to allow such uses in the PBG-1 (Public Buildings and Grounds) and C-2 (Commercial Intensive) zoning districts as a conditional use.

Mr. Crowe explained that Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need, and are not currently recognized in our Zoning code. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. He proposed to define charitable institutions as “charitable entities that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.” He added that this change adds a logical allowable use to the PBG-1 and C2 zoning categories. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs. Mr. Crowe advised that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances. He recommended approving the definition of food pantry, as presented and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.

Discussion took place regarding charitable institutions and Mr. Holmes suggested that the definition should be specified. Suggesting defining them as a non-profit with a 501 C-3 designation or one that qualifies under the rules of the Internal Revenue Service as an organization whom contributions are deductible.

Mr. Petrucci asked if churches would be allowed to have a food pantry regardless of zoning. Mr. Crowe stated that one must distinguish those activities associated with churches that are customary and incidental. It is customary for most churches do charitable giveaways of canned goods, for example, and that is considered a customary and minor use and must stay at that level, not morphing into a food serving establishment, however, that is not to say that it isn’t expected that a church would have an occasional lunch or dinner for its members, but when that becomes regular, reoccurring event that brings a lot of people and overwhelms the activities of the main use, then it is going beyond accessory and minor. This is considered on a case-by-case basis and when the occasional and incidental function becomes more primary, then that is a different consideration and zoning constraints come into the picture. He explained there is a difference between food pantry/closets where the merchandise is given to the recipient to take with them and a feeding program where the food is generally prepared and consumed on property.

Mr. Petrucci shared that he remembered his church as a youth having a food pantry and giving food away. Mr. Holmes stated that the definition should be expounded upon. Discussion continued regarding the many customary types of food donated to food pantries, mainly pre-packaged type items to include can goods, frozen foods, meats, cheese, breads and cakes.

Jared Dollar, 113 Vintage Ln. Satsuma, was present representing Heart of Putnam and explained that a lot of the donated food for distribution that are non-perishable items such as fresh fruit, vegetables, and cheese, however, none of it is prepared or cooked on-site.

Sandra Bayless, 151 Peniel Church Rd, said that in addition to can and dried goods, they get frozen meats which is considered perishable.

Mr. Holmes stated that if the intent is to distinguish between a food pantry and a feeding program, a line will have to be drawn somewhere.

**Motion** made by Mr. DeLoach to approve, seconded by Ms. Williams to approve the request as recommended except to replace non-perishable food with language regarding food not prepared on site and that is consumed off premise. All present voted, resulting with 4 yeas and 1 nay (Mr. Harwell). Motion carried.

- (d) Administrative request to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.

Mr. Crowe said the property currently has residential zoning and land use designations, despite its public ownership (City) and current institutional functions (the building is occupied by the Bridge Club, Chess Club, and American Red Cross.). Staff believes these are appropriate designations. He added that at a recent commission meeting the Heart of Putnam proposed to take over the Red Cross lease, hence requiring these zoning text and map changes. A companion amendment adds the food pantry use as a conditional use in the PBG-1 and C-2 zoning districts. He said that there is an Applicant applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above. The request does not conflict with the Comprehensive Plan and is located within what is called a transitional zoning area between the more intense railroad industrial area and the residential Palatka Heights. Less intensive public and quasi-public uses are appropriate in such areas. He recommended approval of the request and asked that the land use and zoning be considered as two separate actions.

Mr. Sam Willis, 1309 Crill Ave. stated that he lives within 150' of the subject property and spoke in opposition of the rezoning and said he represented several neighborhood property owners that were also against the rezoning and land use amendment, including Mr. Randy Matthews who owned the storage facilities nearby. He said they did not want to see the residential designation changed, citing that it was already a dangerous intersection at S. 13<sup>th</sup> St. and Crill Av. with three to four accidents per year there. He stated that they believed that this amendment and additional traffic would have the potential to negatively affect the quality of life for them.

Allegra Kitchens, said that that Crill and 13<sup>th</sup> St. agreed that is a dangerous intersection with high activity. She pointed out that the current uses this location and did not believe that the uses would be any more intensive. She stated that she was in support of the rezoning and land use amendment as it would be more appropriate for the current uses that are there and have been there in the past.

Mr. Jared Dollar, with the Heart of Putnam, said that this is a rezoning and land use consideration only and the that the pantry use will come up for discussion at next month's meeting.

Mr. Harwell stated that he did not agree with Staff, that this is a quiet residential area, a good quality area and is in favor of keeping the designations the way they are. He said he is a believer in the "if it isn't broken don't fix it."

**Motion** made by Mr. Harwell to deny the request amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) for 521 & 523 S. 13th St. Motions died for a lack of a second.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.. Vote resulted in 4 yeas and 1 nay (Mr. Harwell). Motions carried.

- (e) Administrative request to amend the Palatka Municipal Code Sec. 70-31 revising restrictions applicable to mobile food vendors and push carts operating on public sidewalks in downtown zoning districts.

Mr. Crowe expressed that Staff has withdrawn this request, as it is not governed by the Board and will go forward to the City Commission.

No action was taken.

- (f) Administrative request to Annex, amend the Future Land Use map from County UR (Urban Reserve) to City RL (Residential Low-density) and rezone from County R-2 (Residential, Mixed) to City R-1A (Single-family Residential)  
Located at - **202 Florida Dr.**

Mr. Crowe advised reviewed the criteria for annexation, Future Land Use map amendments and rezoning. He recommend

Motion made by Mr. DeLoach and seconded by Mr. Wallace. to recommend approval for annexation. All present voted affirmative, motion carried unanimously.

Mr. Wall and Mr. Deloach to amend land use. Unanimously

Rezoning Mr. DeLoach and Mr. Wallace. Unanimously

Request to Amend Zoning Code  
(Define Food Pantry and Allow in PBG-1 and C-2 Zoning as Conditional Use)  
Applicant: Building & Zoning Dept.

# STAFF REPORT

DATE: September 29, 2015  
TO: Planning Board Members  
FROM: Thad Crowe, AICP  
Planning Director

## **APPLICATION REQUEST**

A request to amend the Zoning Code to allow the above referenced use in the PBG-1 and C-2 zoning districts as a conditional use. Public notice was provided through newspaper advertisement.

## **APPLICATION BACKGROUND**

Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. A conditional use is defined in the Zoning Code as “a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.”

The following definition for food pantry is proposed: “a charitable entity that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.”

## **PROJECT ANALYSIS**

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

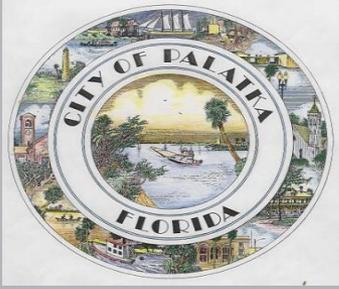
**Staff comments:** this change adds a logical allowable use to the PBG-1 zoning category. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

## **STAFF RECOMMENDATION**

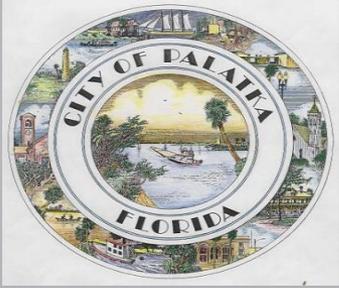
Staff recommends approving the definition of food pantry, as presented above, and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.



# ZONING CODE TEXT AMENDMENT FOOD PANTRIES

## Measures to Combat Food Desert

- Farmers markets
- Produce trucks
- Food trucks
- **Food pantries**
- Produce stands



# ZONING CODE TEXT AMENDMENT FOOD PANTRIES

## DEFINITION

a charitable entity that distributes at no or low cost nonperishable food, and can also distribute basic hygiene products, household supplies, and limited clothing

Proposed as conditional use in PBG-1 & C-2 zoning districts



## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**ORDINANCE** - Planning Board Recommendation to amend Zoning Code Section 94-2, 94-149, and 94-153, 94-161, 94-162, and 94-207 to define food trucks, allow such uses in C-2 (Intensive Commercial), DB (Downtown Business), DR (Downtown Riverfront), and PBG-1 (Public Buildings and Grounds) zoning districts, and establish supplementary zoning standards for such uses - First Reading.

### **SUMMARY:**

This is first reading of an ordinance that will amend the Zoning Code to allow for food trucks. These uses are wheeled vehicles or trailers that serve eclectic and fresh food and have become popular in towns and cities across the nation. This ordinance would allow such uses with an eye toward reducing direct competition with bricks-and-mortar restaurant, and finding appropriate and successful locations for food truck operation. Other standards address waste disposal and hygiene concerns, among others. The Planning Board recommended approval of this amendment at their October 6th meeting in a 5-0 vote.

### **RECOMMENDED ACTION:**

**Pass on first reading an ordinance defining food trucks and allowing them in the C-2, DB, DR, and PBG-1 zoning districts under specific supplementary zoning standards.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Zoning Code Text Amendment Ordinance	Ordinance
▢ Planning Board Minutes	Backup Material
▢ Staff Report	Backup Material
▢ Power Point Presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 7:45 PM
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 9:46 AM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:26 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:29 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:41 AM

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CREATING A DEFINITION FOR FOOD TRUCKS AND ALLOWING SUCH USES IN C-2 (INTENSIVE COMMERCIAL), DB (DOWNTOWN BUSINESS), DR (DOWNTOWN RIVERFRONT), AND PBG-1 (PUBLIC BUILDINGS AND GROUNDS) ZONING CATEGORIES, REQUIRING THAT SUCH USES MEET SUPPLEMENTARY DISTRICT STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the Building and Zoning Department 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 October 6, 2015, and two public hearings before the City Commission of the City of Palatka on October 22, 2015, and November 12, 2015; 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.** That Chapter 94, Zoning Code, Sections 94-2(b), 94-149(b), 94-5-153(b), 94-161, 94-162 and Division 3, Supplementary District Regulations, be shall be and the same is hereby amended as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**EXHIBIT "A" - Zoning Code Amendments**

**Sec. 94-2. - Definitions and rules of construction** - that Section 94-2(b) shall be amended to add the following definition for "Food Truck:"

Food truck means a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve food, which is temporarily stored on a privately-owned lot or public right-of-way where food items are sold to the general public.

**Sec. 94-149. - C-2 intensive commercial district** - Sec. 94-149(b) shall be amended to include the following principal use/structure:

Food trucks, meeting supplementary district standards.

All other provisions of Sec. 94-149 shall remain unchanged.

**Sec. 94-153. - PBG-1 public buildings and grounds district** - Sec. 94-153(b) shall be amended to include the following permitted principal use/structure:

Food trucks, meeting supplementary district standards.

All other provisions of Sec. 94-153 shall remain unchanged.

**Sec. 94-161. - DR downtown riverfront district** - Sec. 94-161(b) shall be amended to include the following permitted principal use/activity:

Food trucks, meeting supplementary district standards.

All other provisions of Sec. 94-161 shall remain unchanged.

**Sec. 94-162. - DB downtown business district** - Sec. 94-162(b) shall be amended to include the following permitted principal use/activity:

Food trucks, meeting supplementary district standards.

All other provisions of Sec. 94-162 shall remain unchanged.

**Sec. 94, Division 3. - SUPPLEMENTARY DISTRICT REGULATIONS** - shall be amended to add the following section entitled "food trucks:"

Sec. 94-208. - food trucks.

- (a) Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
- (b) Property owner's written permission is required.

- (c) Required state and local permits and business licenses must be maintained and displayed.
- (d) Uses are limited to a self-contained truck/trailer.
- (e) Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
- (f) Signage is limited those signs that are painted on or attached to the truck.
- (g) Hours of operation are limited to 6 a.m. to 10 p.m.
- (h) Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
- (i) Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
- (j) Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
- (k) Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
- (l) Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
- (m) Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
- (n) Operators must hold and display all required local, state, or federal licenses required for such a use.
- (o) Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES (draft)**  
**October 6, 2015**



Meeting called to order by Acting Chairman Joseph Petrucci, who volunteered for the duty. Chairman Sheffield and Vice-Chairman Pickens both had excused absences.

Members Present: Earl Wallace, Anthony Harwell, George DeLoach and Joseph Petrucci and Tammie Williams. Members absent: Chairman Daniel Sheffield, Joseph Pickens, Charles Douglas, Jr. Also present: City Attorney Don Holmes, Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Mr. DeLoach and seconded by Ms. Williams to approve the minutes of the August 4, 2015 meeting. All present voted affirmative. Motion carried unanimously.

Appeal procedures and ex-parte communication reminders were read by Chairman Petrucci.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- (a) A request for a conditional use to locate an alcohol serving establishment within 300 feet of another alcohol serving establishment located at **3810 Crill Ave.**

**Owner:** EPF Investments, LLC

**Applicant:** George H. Ashby, Jr.

Mr. Crowe explained that the applicant requested this item be tabled until the November meeting.

**Motion** made by Mr. DeLoach and seconded by Ms. Williams to table this request until the November 3, 2015 meeting. All present voted affirmative. Motion carried.

- (b) Administrative request to amend the Palatka Zoning Code Sec. 94-149, 94-153, 94-161, 94-162 allowing produce truck sales and food trucks under certain conditions and restrictions in downtown, public, and commercial zoning districts.

Mr. Crowe explained that in a recent commission meeting the City Commission was approached by the Heart of Putnam Food Pantry to allow produce trucks, but the Zoning Code did not allow for this kind of activity so City Commission directed to look into possibly developing an ordinance that would allow for this. Staff looked into a number of ways to combat the food desert that occurs in parts of the City to proposing regulations allowing produce trucks, food trucks, food pantries, and produce stands accompanying convenience stores. Farmers Markets are already allowed in the downtown zoning districts by conditional use, it is just that no one at this point has tackled the market.

Mr. Crowe said the first item was produce trucks which would connect fresh produce from area farms direct to consumers in areas where such goods are not readily available. These trucks are already operating in the northeast Florida region, usually on a weekly basis to designated locations

such as elderly housing, institutional settings and even some neighborhoods that are in need of fresh produce. The proposed definition described produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods to approved locations within the City.” He reviewed the recommended standards:

1. Allowable sales items include of locally produced fresh produce and cottage foods.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-C3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Mr. Crowe explained that Zoning Code text amendments have two criteria, one is need & justification and the second is compliance with the Comprehensive Plan. With regards to the need issue, he said while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents. He added that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances and recommended approval of the amendment with the proposed standards.

Mr. Crowe added that Staff is proposing a change to what was in the packet – the elimination of the requirement that produce be grown locally. His discussions with the Farm-to-Family staff convinced him that at different times of the year it will be necessary to bring in produce from out of the region and even the state to maintain the program.

Mr. Petrucci asked why the limitation to non-profits. Mr. Crowe stated that because food assistance to the needy is a quasi-public activity helping residents which the city is supporting and wants to promote. Staff believes this is a laudable program but would not want to see it go beyond what it is as a charitable endeavor and turn into essentially a retail store out of a truck. He said there were plenty of opportunities for different non-profits to participate in a program like this, including churches.

Mr. Holmes initiated discussion regarding parking and possible conflicts with required parking in public parking lots of such places as rental facilities. Mr. Crowe responded that facility rental events

and produce truck events could not occur simultaneously with business or operation times that would claim the bulk of the parking – this was a scheduling issue. He said that the event planning would be reviewed on a case-by-case basis by the Building & Zoning Department.

Mr. DeLoach stated that he has seen the same type of operation by the high school and middle school F.F.A.'s, (Future Farmers of America) where they grow their own garden and it has been an excellent program.

Mr. Harwell stated that he had issue with the restriction for non-profit as it doesn't help the small guy who wants to start his own produce business but it would still hurt other produce companies that are out there. Mr. Crowe explained that this is not intended to be a business prototype, but rather a charitable outreach prototype.

Allegra Kitchens, 1027 S 12<sup>th</sup> St. spoke in support of the request and the idea of using local produce whenever possible, understanding the seasonal issue. She added stating that while non-profits may make money, they do not use it to their own good. They put it back into helping people and do not believe that this would not be in competition with a produce stand. This is basically a food give away and it is not every day, twenty-four-seven. She agreed that public property should be limited to non-profits.

Mr. Holmes asked if there should be a limitation as to the number of days per week, per site. Mr. Harwell suggested that if consideration was going to be given to limiting the number of days of operation per site, which would limit the permanency and number of locations concerns - then maybe removing the limitation of non-profits should be considered as well. Mr. Crowe stated that the proposed amendment allows this use on a pretty broad range and the commercial zoning could also be taken out of the equation (limiting it to public property and institutional type property) to lessen the potential competition with businesses and general proliferation.

Mr. Petrucci asked what the process would be for someone to bring a produce truck. Mr. Crowe explained that the applicant would have to get a business license with the City. At that time, operational procedurally, we would go over the rules and require a sketch plan (showing location of the truck on the property, parking, any tables to be use used etc.) for review. Discussion continued regarding additionally requiring liability insurance naming City of Palatka as additional insured.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval of the amendment as presented by to allow produce sales trucks with the additional conditions of no more than two days per week and for the applicant to provide liability insurance naming City of Palatka as additional insured. DISCUSSION: Mr. Petrucci asked if the motion included limiting the produce to locally grown only. Mr. Yes, that in his experience, it would be very limiting to only include the surrounding area farms, referring to seasonal food only. Mr. Harwell stated that he was against not allowing everyone else. All present voted, resulting in 4 yeas and 1 nay (Mr. Harwell). Motion carried.

Mr. Crowe reviewed the second part of the proposed amendment regarding food trucks; explaining that staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve

food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.” The proposed amendment will allow for as food trucks as this type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Food Trucks are becoming increasingly popular in towns and cities throughout the country creating spark and activity and business revitalization. He recommended approval with the following recommended conditions and safeguard:

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

Discussion ensued regarding condition item # 12; requirement for available restroom facilities. Mr. Crowe stated that it would require anyone working the food truck to have access to a restroom facility.

Mr. Harwell asked if a local license was required. Mr. Crowe replied yes as well as a state license. Mr. Harwell suggested striking the requirement for restroom facilities. Mr. Crowe explained

**Motion** made by Mr. Harwell to recommend approval of the requested amendment submitted by Staff to define and allow food trucks with as recommend with the addition of allowing the use in M-1 zoning district. All present voted affirmative.

- (c) Administrative request to amend the Palatka Zoning Code Sec. 94-2 to add definition of “food pantry” and “charitable institutions,” and to allow such uses in the PBG-1 (Public Buildings and Grounds) and C-2 (Commercial Intensive) zoning districts as a conditional use.

Mr. Crowe explained that Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need, and are not currently recognized in our Zoning code. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. He proposed to define charitable institutions as “charitable entities that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.” He added that this change adds a logical allowable use to the PBG-1 and C2 zoning categories. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs. Mr. Crowe advised that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances. He recommended approving the definition of food pantry, as presented and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.

Discussion took place regarding charitable institutions and Mr. Holmes suggested that the definition should be specified. Suggesting defining them as a non-profit with a 501 C-3 designation or one that qualifies under the rules of the Internal Revenue Service as an organization whom contributions are deductible.

Mr. Petrucci asked if churches would be allowed to have a food pantry regardless of zoning. Mr. Crowe stated that one must distinguish those activities associated with churches that are customary and incidental. It is customary for most churches do charitable giveaways of canned goods, for example, and that is considered a customary and minor use and must stay at that level, not morphing into a food serving establishment, however, that is not to say that it isn’t expected that a church would have an occasional lunch or dinner for its members, but when that becomes regular, reoccurring event that brings a lot of people and overwhelms the activities of the main use, then it is going beyond accessory and minor. This is considered on a case-by-case basis and when the occasional and incidental function becomes more primary, then that is a different consideration and zoning constraints come into the picture. He explained there is a difference between food pantry/closets where the merchandise is given to the recipient to take with them and a feeding program where the food is generally prepared and consumed on property.

Mr. Petrucci shared that he remembered his church as a youth having a food pantry and giving food away. Mr. Holmes stated that the definition should be expounded upon. Discussion continued regarding the many customary types of food donated to food pantries, mainly pre-packaged type items to include can goods, frozen foods, meats, cheese, breads and cakes.

Jared Dollar, 113 Vintage Ln. Satsuma, was present representing Heart of Putnam and explained that a lot of the donated food for distribution that are non-perishable items such as fresh fruit, vegetables, and cheese, however, none of it is prepared or cooked on-site.

Sandra Bayless, 151 Peniel Church Rd, said that in addition to can and dried goods, they get frozen meats which is considered perishable.

Mr. Holmes stated that if the intent is to distinguish between a food pantry and a feeding program, a line will have to be drawn somewhere.

**Motion** made by Mr. DeLoach to approve, seconded by Ms. Williams to approve the request as recommended except to replace non-perishable food with language regarding food not prepared on site and that is consumed off premise. All present voted, resulting with 4 yeas and 1 nay (Mr. Harwell). Motion carried.

- (d) Administrative request to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.

Mr. Crowe said the property currently has residential zoning and land use designations, despite its public ownership (City) and current institutional functions (the building is occupied by the Bridge Club, Chess Club, and American Red Cross.). Staff believes these are appropriate designations. He added that at a recent commission meeting the Heart of Putnam proposed to take over the Red Cross lease, hence requiring these zoning text and map changes. A companion amendment adds the food pantry use as a conditional use in the PBG-1 and C-2 zoning districts. He said that there is an Applicant applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above. The request does not conflict with the Comprehensive Plan and is located within what is called a transitional zoning area between the more intense railroad industrial area and the residential Palatka Heights. Less intensive public and quasi-public uses are appropriate in such areas. He recommended approval of the request and asked that the land use and zoning be considered as two separate actions.

Mr. Sam Willis, 1309 Crill Ave. stated that he lives within 150' of the subject property and spoke in opposition of the rezoning and said he represented several neighborhood property owners that were also against the rezoning and land use amendment, including Mr. Randy Matthews who owned the storage facilities nearby. He said they did not want to see the residential designation changed, citing that it was already a dangerous intersection at S. 13<sup>th</sup> St. and Crill Av. with three to four accidents per year there. He stated that they believed that this amendment and additional traffic would have the potential to negatively affect the quality of life for them.

Allegra Kitchens, said that that Crill and 13<sup>th</sup> St. agreed that is a dangerous intersection with high activity. She pointed out that the current uses this location and did not believe that the uses would be any more intensive. She stated that she was in support of the rezoning and land use amendment as it would be more appropriate for the current uses that are there and have been there in the past.

Mr. Jared Dollar, with the Heart of Putnam, said that this is a rezoning and land use consideration only and the that the pantry use will come up for discussion at next month's meeting.

Mr. Harwell stated that he did not agree with Staff, that this is a quiet residential area, a good quality area and is in favor of keeping the designations the way they are. He said he is a believer in the "if it isn't broken don't fix it."

**Motion** made by Mr. Harwell to deny the request amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) for 521 & 523 S. 13th St. Motions died for a lack of a second.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.. Vote resulted in 4 yeas and 1 nay (Mr. Harwell). Motions carried.

- (e) Administrative request to amend the Palatka Municipal Code Sec. 70-31 revising restrictions applicable to mobile food vendors and push carts operating on public sidewalks in downtown zoning districts.

Mr. Crowe expressed that Staff has withdrawn this request, as it is not governed by the Board and will go forward to the City Commission.

No action was taken.

- (f) Administrative request to Annex, amend the Future Land Use map from County UR (Urban Reserve) to City RL (Residential Low-density) and rezone from County R-2 (Residential, Mixed) to City R-1A (Single-family Residential)  
Located at - **202 Florida Dr.**

Mr. Crowe advised reviewed the criteria for annexation, Future Land Use map amendments and rezoning. He recommend

Motion made by Mr. DeLoach and seconded by Mr. Wallace. to recommend approval for annexation. All present voted affirmative, motion carried unanimously.

Mr. Wall and Mr. Deloach to amend land use. Unanimously

Rezoning Mr. DeLoach and Mr. Wallace. Unanimously

Request to Amend Zoning Code  
(Amend Zoning Code to allow Food Trucks)  
Applicant: Building & Zoning Dept.

# STAFF REPORT

DATE: September 29, 2015  
TO: Planning Board Members  
FROM: Thad Crowe, AICP  
Planning Director

## **APPLICATION REQUEST**

A request to amend the Zoning Code to allow for food trucks, under certain conditions and restrictions, spelled out under Supplementary District Regulations. The use/activity would be allowed in commercial intensive, downtown, and public zoning districts. Public notice was provided through newspaper advertisement.

## **APPLICATION BACKGROUND**

Food trucks are becoming increasingly popular in towns and cities throughout the country. This type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.”

The following standards are proposed for food trucks.

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.

12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

### **PROJECT ANALYSIS**

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

**Staff comments:** while food trucks are not recognized and allowed in the Zoning Code, Staff believes that allowing them under certain circumstances can serve an unfilled need, create jobs, provide more food choices for residents, invigorate a lagging business district, and provide an opportunity for trucks to transition into bricks-and-mortar restaurants. Given the small size and scale of food truck operations, traffic and other impacts are limited. In many communities, concerns from established restaurants regarding unfair competition have arisen, but the success of food trucks has often provided more trade for nearby businesses. The standards above also include a distance requirement (200 feet) from bricks-and-mortar restaurants. Further information and justification for food trucks is provided in the attached report from the American Planning Association: "Practice Food Trucks."

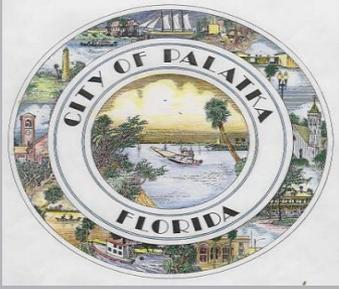
b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

The standards above allow food trucks in the downtown area and in shopping center or public parking lots, vacant lots are also allowable locations. Food trucks must be parked on paved areas, cannot occupy required minimum parking spaces in commercial areas, and not block buildings in the downtown area. Food truck operators must make arrangements to utilize nearby restrooms to ensure sanity. Limited outdoor seating is allowed, and food trucks must be properly insured and licensed. Staff believes that the standards will allow food trucks in a safe, limited, and orderly manner.

### **STAFF RECOMMENDATION**

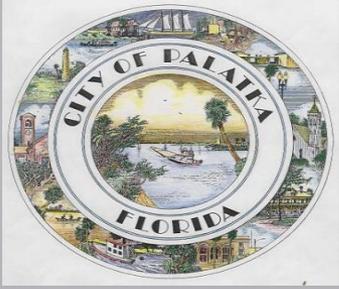
Staff recommends approving the definition of produce truck, as presented above; amending Zoning Code Section 94-149, 94-153, 94-161, and 94-162 to allow produce truck sales in C-2, DB, DR, and PBG-1 zoning districts; and



# ZONING CODE TEXT AMENDMENT FOOD TRUCKS

## Measures to Combat Food Desert

- Farmers markets
- Produce trucks
- **Food trucks**
- Food pantries
- Produce stands



# ZONING CODE TEXT AMENDMENT FOOD TRUCKS

## DEFINITION:

a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public





## CITY COMMISSION AGENDA ITEM

### **SUBJECT:**

**ORDINANCE** - Planning Board Recommendation to amend Zoning Code Section 94-2, 94-149, and 94-153, 94-161, 94-162, and 94-208 to define produce trucks, allow such uses in C-2 (Intensive Commercial), DB (Downtown Business), DR (Downtown Riverfront), and PBG-1 (Public Buildings and Grounds) zoning districts, and establish supplementary zoning standards for such uses - First Reading.

### **SUMMARY:**

This is first reading of an ordinance that will amend the Zoning Code to allow for food produce trucks. These uses transport fresh, usually local-grown produce to areas that currently function as food deserts within the City. Programs like this are functioning throughout Northeast Florida to deliver produce and cottage foods to elderly housing, institutional settings, and areas that are close to neighborhoods where there is a need for improved nutrition. Specific supplementary operational and locational standards are proposed to ensure an orderly and successful operation. The Planning Board recommended approval of this amendment at their October 6th meeting in a 4-1 vote.

### **RECOMMENDED ACTION:**

**Pass on first reading an ordinance defining produce trucks and allowing them in the C-2, DB, DR, and PBG-1 zoning districts under specific supplementary zoning standards.**

### **ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▢ Zoning Code Amendment Ordinance	Ordinance
▢ Planning Board Minutes	Backup Material
▢ Staff Report	Backup Material
▢ Power Point presentation	Backup Material

### **REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Planning	Crowe, Thad	Approved	10/8/2015 - 7:37 PM
City Clerk	Driggers, Betsy	Approved	10/9/2015 - 10:43 AM
City Manager	Suggs, Terry	Approved	10/13/2015 - 9:26 AM
Finance	Reynolds, Matt	Approved	10/13/2015 - 9:29 AM
City Clerk	Driggers, Betsy	Approved	10/13/2015 - 9:41 AM

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CREATING A DEFINITION FOR PRODUCE TRUCKS AND ALLOWING SUCH USES IN C-2 (INTENSIVE COMMERCIAL), DB (DOWNTOWN BUSINESS), DR (DOWNTOWN RIVERFRONT), AND PBG-1 (PUBLIC BUILDINGS AND GROUNDS) ZONING CATEGORIES, MEETING SUPPLEMENTARY DISTRICT STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, application has been made by the Building and Zoning Department 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 October 6, 2015, and two public hearings before the City Commission of the City of Palatka on October 22, 2015, and November 12, 2015; 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.** That Chapter 94, Zoning Code, Sections 94-2(b), 94-149(b), 94-5-153(b), 94-161(b), and 94-162(b) and Division 3, Supplementary District Regulations, shall be and the same is hereby amended as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**EXHIBIT "A" - ZONING CODE AMENDMENTS**

**Sec. 94-2. - Definitions and rules of construction** - that Section 94-2(b) shall be amended to add the following definition for "Produce Truck"

Produce truck means a box or semi-tractor trailer truck utilized to deliver and dispense fresh produce or cottage foods to approved locations within the city.

**Sec. 94-149. - C-2 intensive commercial district** - Sec. 94-149(b) shall be amended to add the following permitted principal uses/structures:

Produce trucks, meeting supplementary district standards.

All other provisions of Sec. 94-149 shall remain unchanged.

**Sec. 94-153. - PBG-1 public buildings and grounds district** - Section 94-153(b) shall be amended to add the following permitted principal use:

Produce trucks, meeting supplementary district standards.

All other sections of 94-153 shall remain unchanged.

**Sec. 94-161. - DR downtown riverfront district** - Sec. 94-161(b) shall be amended to add the following permitted principal use/activity:

Produce trucks, meeting supplementary district standards

All other sections of 94-161 shall remain unchanged.

**Sec. 94-162. - DB downtown business district** - Sec. 94-162(b) shall be amended to add the following permitted principal use/activity:

Produce trucks, meeting supplementary district standards

All other sections of 94-162 shall remain unchanged.

**Sec. 94, Division 3. - SUPPLEMENTARY DISTRICT REGULATIONS** - shall be amended to add the following section entitled "produce trucks:"

Sec. 94-207. - produce trucks.

(a) Allowable sales items include of fresh produce and cottage foods, the latter of which is defined in Florida Statutes.

(b) Dispensation of goods is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.

(c) Produce trucks are limited to parking lots or other paved areas.

(d) Property owner must provide written permission for the activity.

(e) Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.

(f) Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside

hours of operation associated with the owner/user of the parking area.

(g) Hours of operation are limited to daylight hours.

(h) Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.

(i) An approved food truck program may not have more than two events per week.

(j) Produce trucks must be parked at least 150 feet from a residentially-zoned property.

(k) Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.

(l) Produce truck programs must be run by a 501-c3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

(m) Produce truck operators must provide liability insurance at an amount agreed to by the City, naming the City of Palatka as additional insured.

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES (draft)**  
**October 6, 2015**



Meeting called to order by Acting Chairman Joseph Petrucci, who volunteered for the duty. Chairman Sheffield and Vice-Chairman Pickens both had excused absences.

Members Present: Earl Wallace, Anthony Harwell, George DeLoach and Joseph Petrucci and Tammie Williams. Members absent: Chairman Daniel Sheffield, Joseph Pickens, Charles Douglas, Jr. Also present: City Attorney Don Holmes, Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Mr. DeLoach and seconded by Ms. Williams to approve the minutes of the August 4, 2015 meeting. All present voted affirmative. Motion carried unanimously.

Appeal procedures and ex-parte communication reminders were read by Chairman Petrucci.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- (a) A request for a conditional use to locate an alcohol serving establishment within 300 feet of another alcohol serving establishment located at **3810 Crill Ave.**

**Owner:** EPF Investments, LLC

**Applicant:** George H. Ashby, Jr.

Mr. Crowe explained that the applicant requested this item be tabled until the November meeting.

**Motion** made by Mr. DeLoach and seconded by Ms. Williams to table this request until the November 3, 2015 meeting. All present voted affirmative. Motion carried.

- (b) Administrative request to amend the Palatka Zoning Code Sec. 94-149, 94-153, 94-161, 94-162 allowing produce truck sales and food trucks under certain conditions and restrictions in downtown, public, and commercial zoning districts.

Mr. Crowe explained that in a recent commission meeting the City Commission was approached by the Heart of Putnam Food Pantry to allow produce trucks, but the Zoning Code did not allow for this kind of activity so City Commission directed to look into possibly developing an ordinance that would allow for this. Staff looked into a number of ways to combat the food desert that occurs in parts of the City to proposing regulations allowing produce trucks, food trucks, food pantries, and produce stands accompanying convenience stores. Farmers Markets are already allowed in the downtown zoning districts by conditional use, it is just that no one at this point has tackled the market.

Mr. Crowe said the first item was produce trucks which would connect fresh produce from area farms direct to consumers in areas where such goods are not readily available. These trucks are already operating in the northeast Florida region, usually on a weekly basis to designated locations

such as elderly housing, institutional settings and even some neighborhoods that are in need of fresh produce. The proposed definition described produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods to approved locations within the City.” He reviewed the recommended standards:

1. Allowable sales items include of locally produced fresh produce and cottage foods.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-C3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Mr. Crowe explained that Zoning Code text amendments have two criteria, one is need & justification and the second is compliance with the Comprehensive Plan. With regards to the need issue, he said while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents. He added that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances and recommended approval of the amendment with the proposed standards.

Mr. Crowe added that Staff is proposing a change to what was in the packet – the elimination of the requirement that produce be grown locally. His discussions with the Farm-to-Family staff convinced him that at different times of the year it will be necessary to bring in produce from out of the region and even the state to maintain the program.

Mr. Petrucci asked why the limitation to non-profits. Mr. Crowe stated that because food assistance to the needy is a quasi-public activity helping residents which the city is supporting and wants to promote. Staff believes this is a laudable program but would not want to see it go beyond what it is as a charitable endeavor and turn into essentially a retail store out of a truck. He said there were plenty of opportunities for different non-profits to participate in a program like this, including churches.

Mr. Holmes initiated discussion regarding parking and possible conflicts with required parking in public parking lots of such places as rental facilities. Mr. Crowe responded that facility rental events

and produce truck events could not occur simultaneously with business or operation times that would claim the bulk of the parking – this was a scheduling issue. He said that the event planning would be reviewed on a case-by-case basis by the Building & Zoning Department.

Mr. DeLoach stated that he has seen the same type of operation by the high school and middle school F.F.A.'s, (Future Farmers of America) where they grow their own garden and it has been an excellent program.

Mr. Harwell stated that he had issue with the restriction for non-profit as it doesn't help the small guy who wants to start his own produce business but it would still hurt other produce companies that are out there. Mr. Crowe explained that this is not intended to be a business prototype, but rather a charitable outreach prototype.

Allegra Kitchens, 1027 S 12<sup>th</sup> St. spoke in support of the request and the idea of using local produce whenever possible, understanding the seasonal issue. She added stating that while non-profits may make money, they do not use it to their own good. They put it back into helping people and do not believe that this would not be in competition with a produce stand. This is basically a food give away and it is not every day, twenty-four-seven. She agreed that public property should be limited to non-profits.

Mr. Holmes asked if there should be a limitation as to the number of days per week, per site. Mr. Harwell suggested that if consideration was going to be given to limiting the number of days of operation per site, which would limit the permanency and number of locations concerns - then maybe removing the limitation of non-profits should be considered as well. Mr. Crowe stated that the proposed amendment allows this use on a pretty broad range and the commercial zoning could also be taken out of the equation (limiting it to public property and institutional type property) to lessen the potential competition with businesses and general proliferation.

Mr. Petrucci asked what the process would be for someone to bring a produce truck. Mr. Crowe explained that the applicant would have to get a business license with the City. At that time, operational procedurally, we would go over the rules and require a sketch plan (showing location of the truck on the property, parking, any tables to be use used etc.) for review. Discussion continued regarding additionally requiring liability insurance naming City of Palatka as additional insured.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval of the amendment as presented by to allow produce sales trucks with the additional conditions of no more than two days per week and for the applicant to provide liability insurance naming City of Palatka as additional insured. DISCUSSION: Mr. Petrucci asked if the motion included limiting the produce to locally grown only. Mr. Yes, that in his experience, it would be very limiting to only include the surrounding area farms, referring to seasonal food only. Mr. Harwell stated that he was against not allowing everyone else. All present voted, resulting in 4 yeas and 1 nay (Mr. Harwell). Motion carried.

Mr. Crowe reviewed the second part of the proposed amendment regarding food trucks; explaining that staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve

food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.” The proposed amendment will allow for as food trucks as this type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Food Trucks are becoming increasingly popular in towns and cities throughout the country creating spark and activity and business revitalization. He recommended approval with the following recommended conditions and safeguard:

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.
13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

Discussion ensued regarding condition item # 12; requirement for available restroom facilities. Mr. Crowe stated that it would require anyone working the food truck to have access to a restroom facility.

Mr. Harwell asked if a local license was required. Mr. Crowe replied yes as well as a state license. Mr. Harwell suggested striking the requirement for restroom facilities. Mr. Crowe explained

**Motion** made by Mr. Harwell to recommend approval of the requested amendment submitted by Staff to define and allow food trucks with as recommend with the addition of allowing the use in M-1 zoning district. All present voted affirmative.

- (c) Administrative request to amend the Palatka Zoning Code Sec. 94-2 to add definition of “food pantry” and “charitable institutions,” and to allow such uses in the PBG-1 (Public Buildings and Grounds) and C-2 (Commercial Intensive) zoning districts as a conditional use.

Mr. Crowe explained that Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need, and are not currently recognized in our Zoning code. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. He proposed to define charitable institutions as “charitable entities that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.” He added that this change adds a logical allowable use to the PBG-1 and C2 zoning categories. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs. Mr. Crowe advised that this action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances. He recommended approving the definition of food pantry, as presented and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.

Discussion took place regarding charitable institutions and Mr. Holmes suggested that the definition should be specified. Suggesting defining them as a non-profit with a 501 C-3 designation or one that qualifies under the rules of the Internal Revenue Service as an organization whom contributions are deductible.

Mr. Petrucci asked if churches would be allowed to have a food pantry regardless of zoning. Mr. Crowe stated that one must distinguish those activities associated with churches that are customary and incidental. It is customary for most churches do charitable giveaways of canned goods, for example, and that is considered a customary and minor use and must stay at that level, not morphing into a food serving establishment, however, that is not to say that it isn’t expected that a church would have an occasional lunch or dinner for its members, but when that becomes regular, reoccurring event that brings a lot of people and overwhelms the activities of the main use, then it is going beyond accessory and minor. This is considered on a case-by-case basis and when the occasional and incidental function becomes more primary, then that is a different consideration and zoning constraints come into the picture. He explained there is a difference between food pantry/closets where the merchandise is given to the recipient to take with them and a feeding program where the food is generally prepared and consumed on property.

Mr. Petrucci shared that he remembered his church as a youth having a food pantry and giving food away. Mr. Holmes stated that the definition should be expounded upon. Discussion continued regarding the many customary types of food donated to food pantries, mainly pre-packaged type items to include can goods, frozen foods, meats, cheese, breads and cakes.

Jared Dollar, 113 Vintage Ln. Satsuma, was present representing Heart of Putnam and explained that a lot of the donated food for distribution that are non-perishable items such as fresh fruit, vegetables, and cheese, however, none of it is prepared or cooked on-site.

Sandra Bayless, 151 Peniel Church Rd, said that in addition to can and dried goods, they get frozen meats which is considered perishable.

Mr. Holmes stated that if the intent is to distinguish between a food pantry and a feeding program, a line will have to be drawn somewhere.

**Motion** made by Mr. DeLoach to approve, seconded by Ms. Williams to approve the request as recommended except to replace non-perishable food with language regarding food not prepared on site and that is consumed off premise. All present voted, resulting with 4 yeas and 1 nay (Mr. Harwell). Motion carried.

- (d) Administrative request to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.

Mr. Crowe said the property currently has residential zoning and land use designations, despite its public ownership (City) and current institutional functions (the building is occupied by the Bridge Club, Chess Club, and American Red Cross.). Staff believes these are appropriate designations. He added that at a recent commission meeting the Heart of Putnam proposed to take over the Red Cross lease, hence requiring these zoning text and map changes. A companion amendment adds the food pantry use as a conditional use in the PBG-1 and C-2 zoning districts. He said that there is an Applicant applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above. The request does not conflict with the Comprehensive Plan and is located within what is called a transitional zoning area between the more intense railroad industrial area and the residential Palatka Heights. Less intensive public and quasi-public uses are appropriate in such areas. He recommended approval of the request and asked that the land use and zoning be considered as two separate actions.

Mr. Sam Willis, 1309 Crill Ave. stated that he lives within 150' of the subject property and spoke in opposition of the rezoning and said he represented several neighborhood property owners that were also against the rezoning and land use amendment, including Mr. Randy Matthews who owned the storage facilities nearby. He said they did not want to see the residential designation changed, citing that it was already a dangerous intersection at S. 13<sup>th</sup> St. and Crill Av. with three to four accidents per year there. He stated that they believed that this amendment and additional traffic would have the potential to negatively affect the quality of life for them.

Allegra Kitchens, said that that Crill and 13<sup>th</sup> St. agreed that is a dangerous intersection with high activity. She pointed out that the current uses this location and did not believe that the uses would be any more intensive. She stated that she was in support of the rezoning and land use amendment as it would be more appropriate for the current uses that are there and have been there in the past.

Mr. Jared Dollar, with the Heart of Putnam, said that this is a rezoning and land use consideration only and the that the pantry use will come up for discussion at next month's meeting.

Mr. Harwell stated that he did not agree with Staff, that this is a quiet residential area, a good quality area and is in favor of keeping the designations the way they are. He said he is a believer in the "if it isn't broken don't fix it."

**Motion** made by Mr. Harwell to deny the request amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) for 521 & 523 S. 13th St. Motions died for a lack of a second.

**Motion** made by Mr. DeLoach and seconded by Mr. Wallace to recommend approval to amend the Future Land Use Map from RL (Residential Low) to PB (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.. Vote resulted in 4 yeas and 1 nay (Mr. Harwell). Motions carried.

- (e) Administrative request to amend the Palatka Municipal Code Sec. 70-31 revising restrictions applicable to mobile food vendors and push carts operating on public sidewalks in downtown zoning districts.

Mr. Crowe expressed that Staff has withdrawn this request, as it is not governed by the Board and will go forward to the City Commission.

No action was taken.

- (f) Administrative request to Annex, amend the Future Land Use map from County UR (Urban Reserve) to City RL (Residential Low-density) and rezone from County R-2 (Residential, Mixed) to City R-1A (Single-family Residential)  
Located at - **202 Florida Dr.**

Mr. Crowe advised reviewed the criteria for annexation, Future Land Use map amendments and rezoning. He recommend

Motion made by Mr. DeLoach and seconded by Mr. Wallace. to recommend approval for annexation. All present voted affirmative, motion carried unanimously.

Mr. Wall and Mr. Deloach to amend land use. Unanimously

Rezoning Mr. DeLoach and Mr. Wallace. Unanimously

Request to Amend Zoning Code  
(Amend Zoning Code to allow Produce Trucks)  
Applicant: Building & Zoning Dept.

# STAFF REPORT

DATE: September 29, 2015  
TO: Planning Board Members  
FROM: Thad Crowe, AICP  
Planning Director

## **APPLICATION REQUEST**

A request to amend the Zoning Code to allow for “farm-to-family” produce trucks, under certain conditions and restrictions, spelled out under Supplementary District Regulations. The use/activity would be allowed in commercial intensive, downtown, and public zoning districts. Public notice was provided through newspaper advertisement.

## **APPLICATION BACKGROUND**

Many parts of Palatka are considered a “food desert”, where residents have limited to no access to fresh and healthy food. The intent of programs such as Farm-to-Family, out of St. Johns County, is to connect local farmers with nearby markets now including Duval and St. Johns Counties. This addresses the food desert problem, while helping farmers by reducing transport costs and establishing a stronger local market. Regularly scheduled stops are generally on a weekly basis, and local volunteers and health professionals accompany the truck to provide support for customers in areas such as recipe and cooking instruction. This type of activity is currently not an allowable outside activity in the Zoning Code, with the closest activity being farmer’s markets, which now requires conditional use approval on a case-by-case basis. Staff proposes to allow produce truck sales, which are essentially mobile farmer’s markets, under certain conditions as outlined below.

1. Allowable sales items include of fresh produce and cottage foods grown/produced in Flagler, Putnam, St. Johns, and Volusia Counties.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-c3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Staff proposes to define produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods that are directly produced in Flagler, Putnam, St. Johns, and Volusia Counties to approved locations within the City.”

**PROJECT ANALYSIS**

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

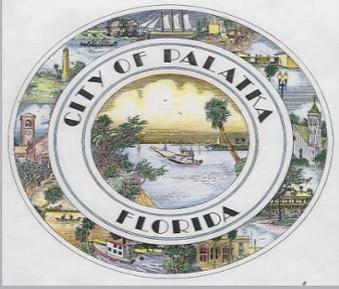
**Staff comments:** while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

**STAFF RECOMMENDATION**

Staff recommends approving the definition of produce truck, as presented above; amending Zoning Code Section 94-149, 94-153, 94-161, and 94-162 to allow produce truck sales in C-2, DB, DR, and PBG-1 zoning districts; and adding a new section to Article III (Districts), Division 3 (Supplementary District Regulations) to provide the standards outlined previously in this report.



# ZONING CODE TEXT AMENDMENT PRODUCE TRUCKS

## Measures to Combat Food Desert

- Farmers markets
- **Produce trucks**
- Food trucks
- Food pantries
- Produce stands



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**ORDINANCE** amending and restating Zoning Code Chapter 94, Sec. 204, Building Exterior Standards on Major City Thoroughfares, to allow the city Manager to hear initial appeals for waivers or modifications - 1st Reading

**SUMMARY:**

During regular session on October 8th the Commission reached consensus to bring this proposed change back in the form of an ordinance to amend Section 94-204 of City Code, to allow the City Manager to hear initial appeals for waivers or modifications to regulations governing exterior building standards on major city thoroughfares.

The following is the excerpt from the minutes of that meeting:

**9. COMMISSION DISCUSSIONS:**

Proposed amendment to Municipal Code, Ch 94, Art III, Div 3, Building Exterior Standards for new construction on major city thoroughfares, to provide for initial appeal or waiver request to City Manager - Commissioner Norwood said this helps to speed the process up and makes the City more efficient in the permitting and appeals process. Commissioner Campbell concurred. Mayor Hill said they are looking for opportunities to bring additional businesses in, and don't want to put up barriers while increasing standards. This affords citizens an opportunity to move forward in business endeavors. There was consensus to bring this back to the next meeting for action.

**RECOMMENDED ACTION:**

**Pass on first reading an ordinance amending and restating Sec. 94-204 to allow the City Manager to hear initial appeals for waivers or modifications to regulations governing exterior building standards on major city thoroughfares.,**

**ATTACHMENTS:**

Description	Type
▢ Ordinance	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/16/2015 - 11:26 AM
City Clerk	Driggers, Betsy	Approved	10/16/2015 - 1:12 PM
			10/16/2015 - 2:56

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE APPEALS PROCESS FOR CHAPTER 94 OF THE CODE OF ORDINANCES, DIV. III, ARTICLE 3, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 94-204 TO RESTATE PROVISIONS FOR EXTERIOR BUILDING STANDARDS FOR NEW CONSTRUCTION ALONG MAJOR CITY THOROUGHFARES TO AMEND THE APPEAL PROCESS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

**WHEREAS**, two public hearings have been held before the City Commission of the City of Palatka on October 22, 2015, and November 12, 2015; 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.** That Zoning Code Chapter 94, Article III, Division 3, Sec. 94-204, ***Supplementary District Regulations*** shall be restated in its entirety to read as follows:

***Building exterior standards on major city thoroughfares:***

- (a) Intent and purpose. The purpose of these regulations is to protect the city's appearance for residents and visitors; enhance desirability of property investment; foster civic pride and community spirit; and stabilize and improve property values and prevent potentially blighting influences.
- (b) Applicability. All new development on property abutting a major city thoroughfare (defined as 19th Street, Crill Avenue, Husson Avenue, Madison Street,

Main Street, Moody Road, Moseley Avenue, Palm Avenue, Reid Street, St. Johns Avenue, State Road 19, US 17, and Zeagler Drive) shall conform to the requirements of this section. Single family detached and duplex units, properties in locally designated historic districts and sites, properties in a downtown overlay zone, and walls or roofs that are not visible from major city thoroughfares are not subject to the requirements of this section.

~~An appeal for waiver or modification may be taken to the planning board, which shall have authority to grant such waiver or modification to the extent necessary based on the finding that such a waiver or modification would accomplish the intent of the standards or present a significant economic or practical hardship to a property owner.~~

(c) Building exterior standards.

- (1) Walls shall be staggered by changes in surface planes and architectural features to avoid a monolithic "box" appearance by integrating at least one of the following architectural features no less than every 50 horizontal feet:
  - a. Porches;
  - b. Sun-shading devices, such as awnings, canopies, and similar devices;
  - c. Covered stairwells;
  - d. Doors;
  - e. Windows;
  - f. Chimneys; or
  - g. Columns or pilasters, inset or freestanding.
- (2) Walls shall not be comprised of aluminum, metal, or flat-faced concrete block, unless such materials are used for minor accents comprising less than 20% percent of the wall.
- (3) Walls shall have windows that make up at least 15 percent of the wall.
- (4) Roofs shall have multiple rooflines if the building is more than 50 feet wide.
- (5) Architecture as signage is prohibited. Buildings shall not be designed in a way in which the building's wall surface, through color or appearance, is a sign. All areas for signage shall be part of the site or building design.

- (6) Dumpsters and mechanical equipment such as air conditioners and compressors shall be screened from public view. The screening design shall be compatible with and part of the building design.
- (7) Building entrances shall be protected from the elements and give clear identity to the entrance.
- (8) If the use requires loading docks, garage doors, or mini-storage buildings and site conditions require them to be located along a major city thoroughfare, then they shall be screened using landscaping or architectural features.

(d) **Appeal for variance or waiver:** Any person seeking a variance or waiver, partial or complete, from the application of the standards set forth herein to a particular parcel or development shall first make such request in writing to the Planning Director. The Planning Director shall approve or decline the request within three (3) business days of receiving the request and shall notify the applicant through the most expedient method, i.e. preferably telephone or e-mail. In the event the Planning Director declines to grant the requested variance or waiver, the applicant may request, in writing, that the City Manager review the Planning Director's decision. In the event the City Manager declines to reverse or modify the decision of the Planning Director to the satisfaction of the applicant, then an appeal may be taken to the Planning Board. Both the City Manager and the Planning Board shall have the authority to modify or reverse the decision brought to them for review upon a finding that a variance or waiver, partial or complete, would prevent a significant economic or practical hardship to the applicant property owner and that the requested variance or waiver would not substantially frustrate the purpose and intent of this Ordinance as same is stated above.

**Section 2.** To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**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 12<sup>th</sup> day of November, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**CITY ATTORNEY**