



# CITY OF PALATKA PLANNING BOARD AGENDA

October 5, 2010

1. Call to Order
2. Roll Call
3. Approval of Minutes of August 3, 2010
4. Read **"To Appeal Any Decision"** and request disclosure of any **"Ex Parte Communication"** be made prior to each case
5. **OLD BUSINESS** – none
6. **NEW BUSINESS**

**Case 10-27**      **Address:**      114 N 19<sup>th</sup> Street, Suite 2  
**Parcel #:**      (37-10-26-6850-3560-0000)  
**Owner:**      Sisl, Inc.  
**Agent:**      Teng C. Heng

Request for a conditional use for an indoor recreational facility in a C-2 zoning district.

1. Public Hearing
2. Regular Meeting

## **Ordinance amendments:**

**A.** Amend Section 70-31 Placing merchandise, benches or other obstructions in sidewalk in the Downtown Riverfront and Downtown Business districts.

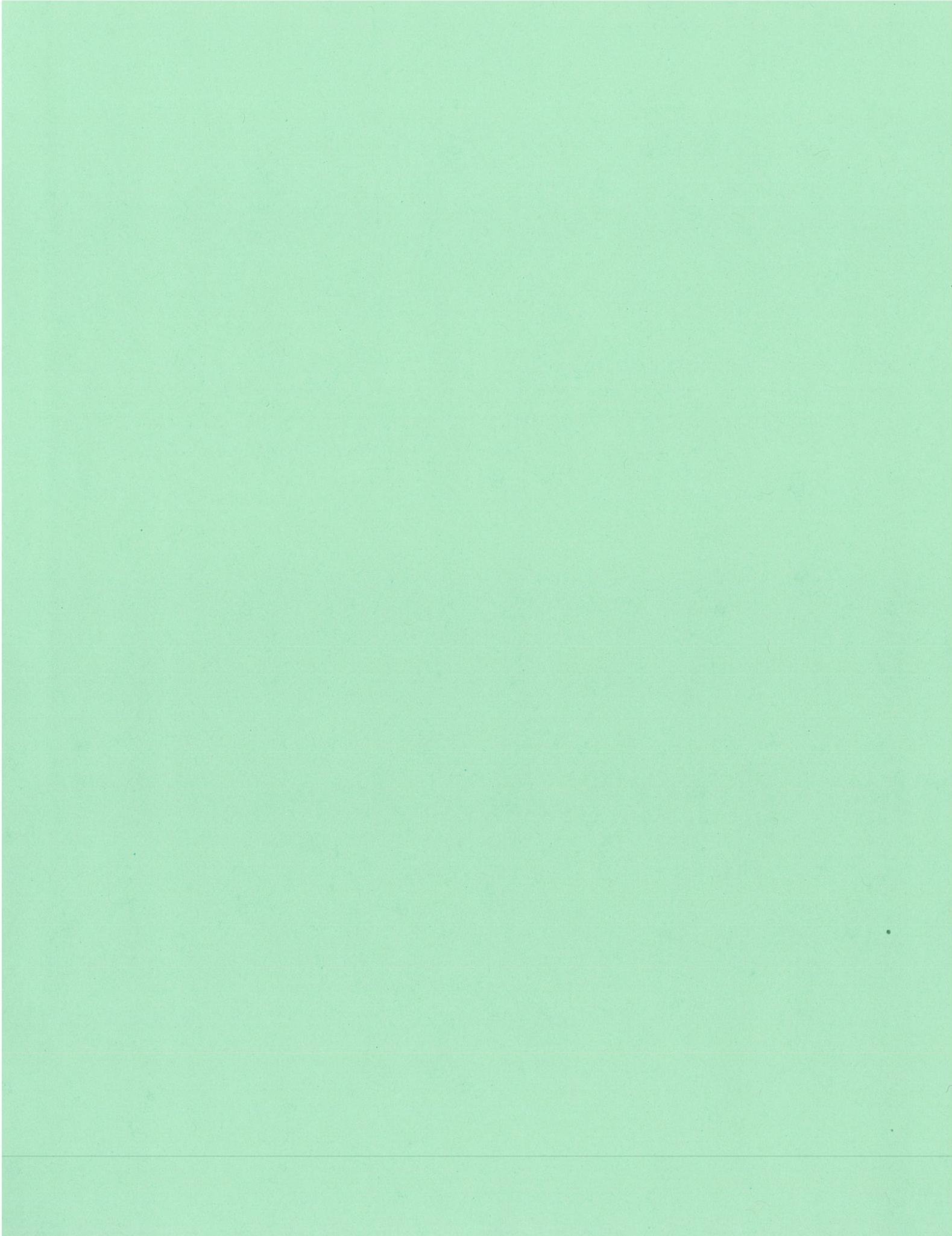
1. Public Hearing
2. Regular Meeting

**B.** Amend Chapter 38 Floods

1. Public Hearing
2. Regular Meeting

## **7. ADJOURNMENT**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105.



Planning Board meeting  
Minutes and proceedings  
August 3, 2010

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Members present:** Sue Roskosh, Phil Leary, Ken Venables, Anthony Harwell, Ezekiel Johnson and Earl Wallace. **Members absent:** Zachary Landis and Randy Braddy. **Also present:** Building and Zoning Director, Debbie Banks and Recording Secretary, Pam Sprouse.

**Motion** made by Sue Roskosh and seconded by Phil Leary to approve the minutes of the July 6, 2010 meeting. All present voted affirmative, motion carried.

Debbie Banks read "To Appeal Any Decision."

Carl Stewart requested that disclosure of any "Ex Parte Communication" be made prior to each case.

## **NEW BUSINESS**

**Case 10-29**      **Location:** N. of St. Johns Avenue; south of the Kay Larkin Airport Runway 09; west of the City's Airport Industrial Park; and east of County Road 309C  
**Parcel(s):** 04-10-26-0000-0010-0000; 04-10-26-0000-0021-0000; 04-10-26-0000-0021-0030; 04-10-26-0000-0010-0030; 09-10-26-0000-0030-0000; and 09-10-26-0000-0010-0021.  
**Owner:** Putnam County Port Authority/Putnam County  
**Agent:** Rick Leary / Brian Hammons  
**Request:** to rezone from County Planned Unit Development (PUD) to City Industrial/Planned Industrial Development (M-1/PID)

### **(Public Hearing)**

Ms. Banks advised that the case was properly advertised and noticed and no response were received from those efforts.

Brian Hammons, Putnam County Planning and Development Director was present to address the Board. He advised the County Business Park started in the late 90's and that there are currently two buildings on this property and the rest of the property remains vacant at this time. He added that the zoning is a follow up to the annexation and Future Land Use amendment that happened approximately a year and a half ago. He stated that if approved, they intend to come back before the Board to request a plat for this property with two pieces left as out parcels.

Ms. Banks commented that if the Board approves the request that the recommendation to the City Commission should include a stipulation that a statement of Non-interference be obtained from the F.A.A.

**Case PB 10-29** – continued.

**(Regular Meeting)**

**Motion** made by Phil Leary and seconded by Ken Venables to recommend approval of the request to the City Commission, with the condition that a letter of Non-interference by the F.A.A. be required. All present voted affirmative, motion carried.

**Case 10-30**            **Address:** 601 N. 21<sup>st</sup> Street  
                          **Parcel#:** 37-10-26-5440-0050-0000  
                          **Owner:** Palatka Housing Authority  
                          **Agent:** Putnam Family YMCA, Vince Cangelosi

**Request:** for a conditional use to locate a childcare facility in an R-3 zoning District.

**(Public Hearing)**

Ms. Banks advised that no comments were received from the notices or advertisement and recommended approval with the following conditions as listed in the staff report:

1. That a Business Tax Receipt be obtained from the City and the County and be maintained in an active status for the duration of the use;
2. That the grant of a Conditional Use for a child care facility shall substantially conform to the presentation made by the applicant in the application and public hearing for the Conditional Use;
3. That this grant of Conditional Use shall expire twelve (12) months following the discontinuance of the approved use for any reason and may not be recommenced once expired without another grant of Conditional Use.
4. That all conditions shall be met within six (6) months of approval of this Conditional Use or the approval will expire.
5. That the applicant meets all State licensing requirements for a day care.
6. That the maximum number of children allowed by State and per statement by applicant should be 20 children and operating hours will not exceed those indicated (7:00AM – 6:00PM).

Vince Cangelosi, Exec. Dir. of the Putnam Family YMCA explained that they are expanding services from Crescent City into the Palatka area with the hopes of having a full time facility with the YMCA in Palatka. He added that they do a lot of things to serve the community and that the main thing is the collaboration of shared services between themselves and other organizations provided to the community, in addition to the recreation aspect of it. There are over 24 collaborations in Crescent City alone.

**Case 10-30** 601 N. 21<sup>st</sup> Street - continued

**(Regular Meeting)**

Motion made by Ken Venables and seconded by Ezekiel Johnson to approve the request with the conditions as listed in the staff report. All present voted affirmative, motion carried.

**Case 10-27**      **Address:** 100 Underwood Dr.  
                     **Parcel #:** (11-10-26-9101-0000-0010)  
                     **Owner:** Virginia McColm

**Request:** to annex into the Palatka city limits, amend the Future Land Use Map and Future Land Use Element from County Commercial to City Low Density Residential and rezone from County R-1A (Single-family Residential) to City R-1A (Single Family Residential).

**(Public Hearing)**

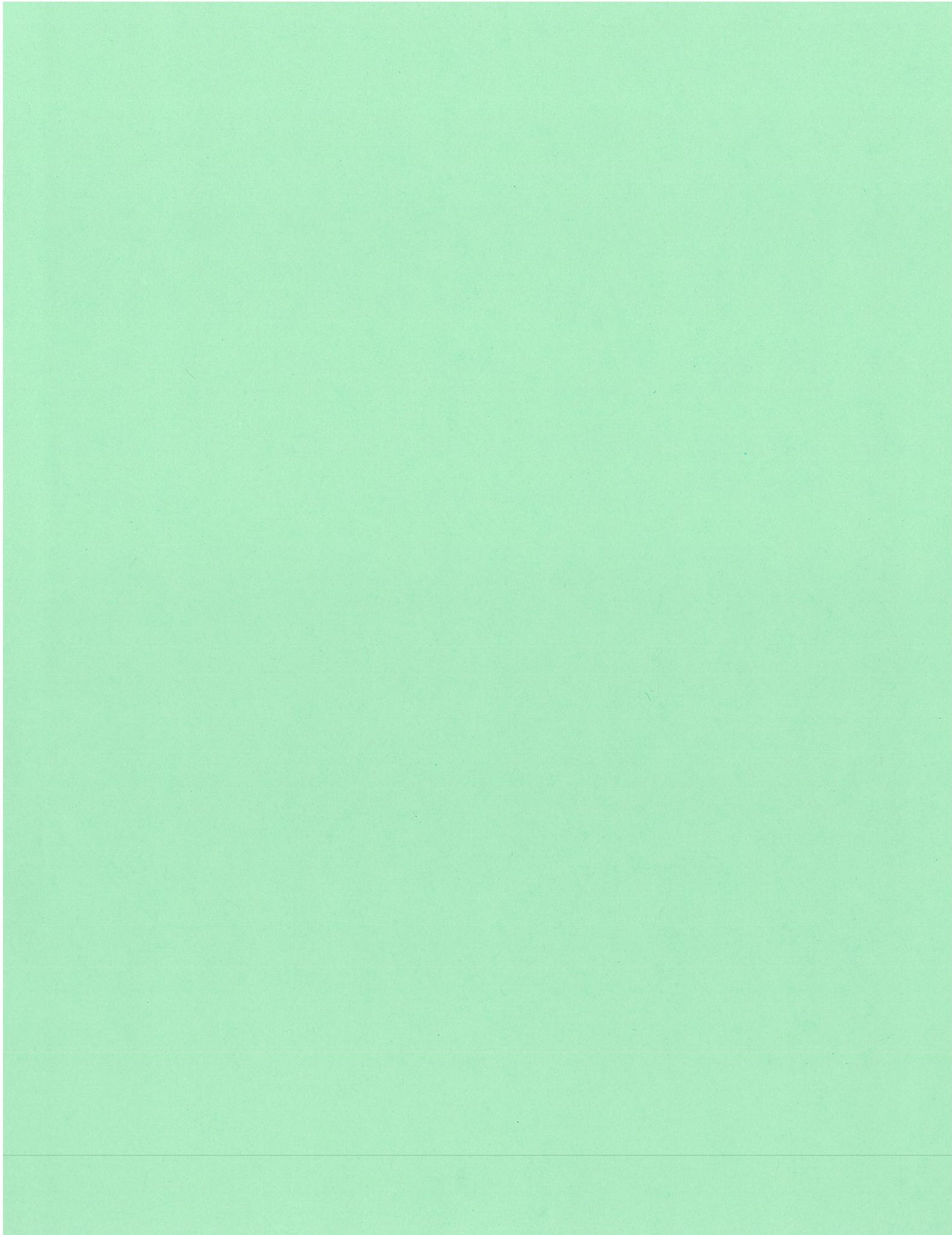
Ms. Banks advised that the case was properly advertised and noticed. She stated that the department received a phone call from someone that was concerned that this was going to be a family group home, and if that is the case, it would be allowed by State Statute regardless of whether it was city or county residential zoning. She read into the record a letter received from Gary Simpson of 3007 Campbell Street, Palatka, requesting that the Board keep the zoning as Single-family Residential. She reiterated that this use would be allowed right now with the current county zoning and that the annexation process would not change that. She additionally advised that due to the failure of their well, city services have been provided for this property.

**(Regular Meeting)**

**Motion** made by Phil Leary and seconded by Sue Roskosh to approve the request to annex into the Palatka city limits, amend the Future Land Use Map and Future Land Use Element from County Commercial to City Low Density Residential and rezone from County R-1A (Single-family Residential) to City R-1A (Single Family Residential). All present voted affirmative, motion carried.

Ms. Banks advised that there is no new business scheduled for September so there will not be a meeting next month.

**Motion** made by Phil Leary and seconded by Ken Venables to adjourn at 4:30 pm. All present voted affirmative, motion carried.





**PLANNING BOARD REPORT**  
**October 5, 2010 Regular Meeting**

**SUBJECT:** Case: # 10-33  
Address: 114 N 19<sup>th</sup> Street Suite 2  
Parcel: 37-10-26-6850-3560-0000

**REQUEST:** Request for a conditional use to operate an indoor entertainment facility in a C-2 zoning district.

**BACKGROUND:**

**Property Owner:** SISL Inc.

**Agent:** Teng C. Heng

**Zoning:** C-2

**Surrounding Zoning:** North – C-2 Intensive Commercial    South – R-3 Multi-family Residential  
East – C-2 Intensive Commercial    West – C-2 Intensive Commercial

**ADJACENT DEVELOPMENT:**

<b>DIRECTION:</b>	<b>ZONING:</b>	<b>FLUM:</b>	<b>CURRENT USE:</b>
North	C-2	Commercial	Parking lot
East	C-2	Commercial	Retail/food/services
South	R-3	High Density Residential	Residential
West	C-2	Commercial	Motel & Beauty salon

**Advertisement:** Ran September 18, 2010

**Notices to Surrounding Owners:** Mailed September 8, 2010

**Departmental Review Requests:** Forwarded to the Police, Fire, and Building Departments on September 8, 2010 with a September 17<sup>th</sup> deadline. All but the Fire Dept. responded with “No comment” with the Fire Marshal mentioning the need for an inspection when they apply for their Business Tax Receipt.

**FINDINGS:**

Before any conditional use shall be approved, the Planning Board shall make a written finding that the granting of the conditional use will not adversely affect the public interest and certifying that the specific requirements governing the individual conditional use, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

- a. **Compliance with all applicable elements of the comprehensive plan.** The comprehensive plan implements the Land Development Regulations. This site is zoned C-2 and the requested use requires conditional use approval per Section 94-149 - C-2 Intensive Commercial District per the Palatka Municipal Code.
- b. **Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.**  
Ingress/egress to the property will continue to be via St. Johns Avenue, Reid Street and/or N 19<sup>th</sup> Street.
- c. **Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.**

Parking requirements have been met.

- d. **Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.**

The dumpster will be located in the screened area per City code.

- e. **Utilities, with reference to location, availability and compatibility.**

Utilities are already available and have been in use for many years at this location.

- f. **Screening and buffering, with reference to type, dimensions and character.** NA

- g. **Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.**

Any signage will adhere to the Municipal Code.

- h. **Required yards and other open space.** NA

- i. **General compatibility with adjacent properties and other property in the district.**

The requested use will not conflict with the adjacent property uses. This is a commercial corridor with a variety of commercial uses.

- j. **Any special requirements set out in the schedule of district regulations for the particular use involved.**

A conditional use is required per Section 94-149 - C-2 Intensive Commercial District of the Palatka Municipal Code. State requirements for licensing are through the Florida Department of Agriculture and Consumer Services.

- k. **The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.** NA

#### **SUMMARY AND STAFF RECOMMENDATION:**

Staff recommends approval of this request with the condition that all City and State licensing requirements be maintained.

#### **PHOTOS:**



Posting

Middleton Shopping Center

# Application for Conditional Use

This application must be typed or printed in black ink and submitted with all required attachments and application fee of \$130 (Checks payable to the City of Palatka) to:

City of Palatka Planning & Zoning  
201 N 2<sup>nd</sup> Street  
Palatka, FL 32177

Application Number: PB-10-33

Date Received: 9/3/10

Hearing date: 10/5/10

FOR INFORMATION REGARDING THIS FORM, CALL (386)329-0103

TO BE COMPLETED BY APPLICANT		
Property Address: 114 A N 19 <sup>th</sup> ST PALATKA FL 32177	Parcel Number: 37-10-26-6850-3560	Current Property Use: FORMERLY THRIFT STORE. NOW EMPTY
Lot size/acreage: 1.71	Number & types of structures on property: COMM 1 STRIP center	Required Attachments: <input type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services <input checked="" type="checkbox"/> Letter (if day care) <input checked="" type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Justification Statement*** <input type="checkbox"/> Tree Survey (if applicable)
Current Zoning Designation: C-2	Closest Intersecting Streets: N. 19 <sup>th</sup> St + Reid St.	
Type of Request: Indoor Entertainment		
Property Owner Name: <u>ENG YOU IV</u> Owner Address: <u>114 North 19th Street</u> <u>Palatka, FL 32177</u> Phone Number: <u>(386) 328-5880</u>		
Agent Name: <u>TENG C. HENG</u> Agent Address: <u>56 BRICE LN</u> <u>PALM BEACH FL 32137</u> Phone Number: <u>386 986 6729</u>		

\*Site Plan to include placement of structures on property, proposed ingress, egress, parking, loading/unloading area, refuse services area, and if applicable, signage, landscaping, screening & buffering and lighting. One copy to be 8 1/2 x 11 and 2 copies 11 x 17 or larger.

\*\*Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.

\*\*\* Justification Statement is attached. These questions will be addressed by the Planning Board.

If Received by Sept. 3<sup>rd</sup> - can be on Oct. 5<sup>th</sup> agenda.

Application Number: PB-10-33  
 Hearing date: 10/5/2010

*Listed Corp. Officers*

10. This application submitted by:

Signature of owner(s): [Handwritten Signature]

Print owner(s) names(s): Sophy Iv

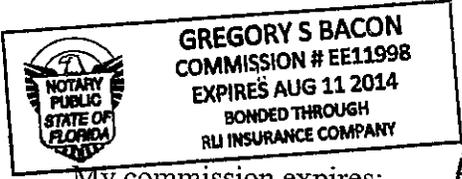
Signature of Agent(s): [Handwritten Signature]

Print Agent(s) names: TENG C HENG

STATE OF Florida  
 County of Putnam

Before me this day personally appeared Sophy Iv and Teng C Heng who executed the foregoing application and acknowledged to and before me that they executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 7th day of September A.D. 2010.



[Handwritten Signature]  
 Notary Public

My commission expires: August 11, 2014 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted <u>9/3/10</u>	2. Received By: <u>P.S.</u>	3. Current Zoning: <u>C-2</u>	4. Future Land Use Category: <u>com</u>	5. Preliminary review by: <u>[Signature]</u>
7. Sign(s) Posted Date: <u>9/9/10</u> By: <u>E.H.</u>	8. Surrounding property owners notices sent: Date: <u>9/8/10</u> By: <u>[Signature]</u>	9. Legal Ad Ran: Date: <u>9/18/10</u>	10. Attachments Reviewed: <input type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services <input type="checkbox"/> Letter( if daycare) <input type="checkbox"/> Copy of Recorded Deed <input checked="" type="checkbox"/> Fees <input checked="" type="checkbox"/> Justification Statement <input type="checkbox"/> Tree Survey (if applicable)	
11. Conditions: <u>License(s)</u>				
12. Adjacent property zoning/FLU: North <u>C-2 / com</u> South <u>R-3 / HDR</u> East <u>C2 / com</u> West <u>C-2 / com</u>				

Chatter Center  
114A N 19<sup>th</sup> ST  
Palatka, FL 32177

Contact Name: Teng C Heng  
Phone: 386 -986-6729

September 3<sup>rd</sup> , 2010

To Whom It May Concern,

I would like to request an approval for a business license in the city of Palatka, FL. I understand that this type of business requires a conditional use approval from the board. *Chatter Center* is in the business of selling basic internet access time, To promote the sale of the internet time ,we also conduct game promotional sweepstakes to encourage consumers to purchase its internet time. The sweepstakes are designed and intended to promote the purchase of internet time. We also provide services such as copies, faxing and notary to the consumers as advertised. The promotional sweepstakes which by law are licensed and regulated by the Florida Department of Agriculture and Consumer Services. The principals,Teng C Heng will be managing the business as well as the hands-on manager for daily operations. Other part-time employees may be hired on an-as-needed basis. The hour operation is to be determined but as of right now we intend to open from 10:00am to 10:00pm, seven days a week. We anticipate hiring 4 employees to oversee the daily operations. The five following guiding principles will help us measure the appropriateness of our decisions.

- Provide a great work environment and treat employees with dignity and respect.
- Embrace diversity not only in people but in our products selection as an essential component in the way that we do business.

- Apply the highest standards of excellence to the products and services to our customers.
- Build lasting relationships with the customers.
- Contribute positively to communities and our environment.

If you have any questions regarding this request please contact me at the address above.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Teng C. Heng". The signature is written in a cursive style with a period at the end.

Teng C. Heng

## Debbie Banks

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**From:** Mark Lynady  
**Sent:** Wednesday, September 08, 2010 1:23 PM  
**To:** Debbie Banks  
**Subject:** RE: 114A N 19th conditional use request

They will need to comply with fire code, but I have no issues with that type of business occupying that space.

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**From:** Debbie Banks  
**Sent:** Wednesday, September 08, 2010 1:13 PM  
**To:** Joff Fillion; Gary Getchell; Mark Lynady; Ed Chandler; Rhett McCamey  
**Subject:** 114A N 19th conditional use request

Please find attached a request for a conditional use to operate an indoor entertainment facility at 114A N 19<sup>th</sup> St. They will have the internet gaming along with copy/fax and notary services. If you have no comments please respond to this email with "No comment."

Thank you,  
Debbie

*Debbie Banks*  
Director of Building & Zoning  
386.329.0103 (phone)  
386.329.0172 (fax)  
[dbanks@palatka-fl.gov](mailto:dbanks@palatka-fl.gov)

## Debbie Banks

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**From:** Gary Getchell  
**Sent:** Tuesday, September 21, 2010 10:43 AM  
**To:** Debbie Banks  
**Subject:** RE: 114A N 19th conditional use request

No comments

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**From:** Debbie Banks  
**Sent:** Wednesday, September 08, 2010 1:13 PM  
**To:** Joff Filion; Gary Getchell; Mark Lynady; Ed Chandler; Rhett McCamey  
**Subject:** 114A N 19th conditional use request

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Thank you,  
Debbie

*Debbie Banks*  
Director of Building & Zoning  
386.329.0103 (phone)  
386.329.0172 (fax)  
[dbanks@palatka-fl.gov](mailto:dbanks@palatka-fl.gov)

## Debbie Banks

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**From:** Rhett McCamey  
**Sent:** Friday, September 10, 2010 5:04 PM  
**To:** Debbie Banks  
**Subject:** RE: 114A N 19th conditional use request

No comment

Thanks, Rhett

-----Original Message-----

**From:** Debbie Banks  
**Sent:** Wed 9/8/2010 1:13 PM  
**To:** Joff Filion; Gary Getchell; Mark Lynady; Ed Chandler; Rhett McCamey  
**Subject:** 114A N 19th conditional use request

Please find attached a request for a conditional use to operate an indoor entertainment facility at 114A N 19th St. They will have the internet gaming along with copy/fax and notary services. If you have no comments please respond to this email with "No comment."

Thank you,

Debbie

Debbie Banks  
Director of Building & Zoning  
386.329.0103 (phone)  
386.329.0172 (fax)  
[dbanks@palatka-fl.gov](mailto:dbanks@palatka-fl.gov)

## Debbie Banks

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**From:** Joff Filion  
**Sent:** Thursday, September 09, 2010 8:00 AM  
**To:** Debbie Banks  
**Subject:** RE: 114A N 19th conditional use request

No comment.

Joff Filion  
CBO

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**From:** Debbie Banks  
**Sent:** Wednesday, September 08, 2010 1:13 PM  
**To:** Joff Filion; Gary Getchell; Mark Lynady; Ed Chandler; Rhett McCamey  
**Subject:** 114A N 19th conditional use request

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*Debbie Banks*  
Director of Building & Zoning  
386.329.0103 (phone)  
386.329.0172 (fax)  
[dbanks@palatka-fl.gov](mailto:dbanks@palatka-fl.gov)

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/18/2010

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

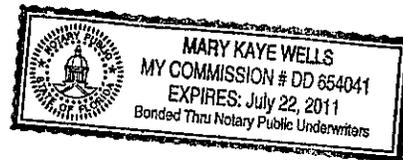
*Vicki Rafuse*

Sworn to and subscribed to before me this 20th day of September, 2010 by Vicki Rafuse, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Mary Kaye Wells*

Mary Kaye Wells, Notary Public  
My commission expires July 22, 2011

Notary Seal  
Seal of Office:



\_\_\_\_/\_\_\_\_ Personally known to me, or  
\_\_\_\_/\_\_\_\_ Produced identification:  
\_\_\_\_/\_\_\_\_ Did take an oath

**PUBLIC NOTICE**

Notice is hereby given that the City of Palatka PLANNING BOARD will hold a public hearing at their regular meeting on Tuesday, October 5, 2010 at 4:00PM at City Hall, 201 North 2nd Street, for the purpose of hearing a:

Request for a conditional use for an indoor recreational facility in a C-2 zoning district.

Location: 114 N 19th St. Ste 2  
Parcel #: 37-10-26-6850-3560-0000  
Owner: Sisi, Inc.  
Agent: Teng C. Heng

All interested parties are invited to attend this public hearing.

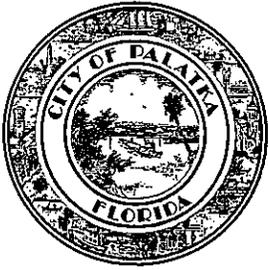
Debbie Banks  
Director of Bldg. & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO

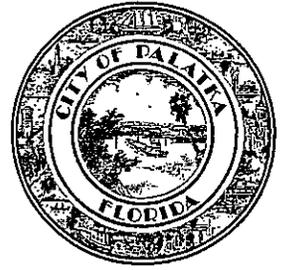
ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 05507133  
09/18/2010



*City of Palatka*  
*Building & Zoning*  
*201 N. 2nd Street*  
*Palatka, Florida 32177*  
*386-329-0103 • Fax 386-329-0172*



**As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:**

### **PUBLIC NOTICE**

Notice is hereby given that the City of Palatka PLANNING BOARD will hold a public hearing at their regular meeting on Tuesday, October 5, 2010 at 4:00PM at City Hall, 201 North 2<sup>nd</sup> Street, for the purpose of hearing a:

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**Location:** 114A N 19<sup>th</sup> St.  
**Parcel #:** 37-10-26-6850-3560-0000  
**Owner:** Sisl, Inc.  
**Agent:** Teng C. Heng

All interested parties are invited to attend this public hearing.

Debbie Banks  
Director of Building & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

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37-10-26-6850-3360-0030  
JKC WEN L C  
3776 CR 507  
WILDWOOD FL 34785

PB 10-33

37-10-26-6850-3550-0020 & 0010  
ST JOHNS CHEVROLET-BUICK-  
PONTIAC-  
1601 REID ST  
Palatka, FL 32177

PB 10-33

37-10-26-6850-3560-0010  
DABHI DINESHKUMAR P + DAXA  
1315 HAWKS CREST DR  
MIDDLEBURG FL 32068

PB 10-33

37-10-26-6850-3580-0020  
LEWIS FAMILY LLC  
621 SE 7TH AVE  
GAINESVILLE FL 32601

PB 10-33

37-10-26-6850-3580-0000  
BUDGET INN MOTEL LLC  
2741 RACE TRACK ROAD  
ST AUGUSTINE FL 32084

PB 10-33

37-10-26-6850-3560-0020  
CLARK LAWRENCE C + LETA P  
133 WHISPERING WINDS RD  
PALATKA FL 32177

PB 10-33

12-10-26-6060-0000-0010  
RYAN HUGH J III + CALLIE + HUGH  
107 FERDINAND AVE  
ST AUGUSTINE FL 32080

PB 10-33

37-10-26-6850-3570-0010  
WALTERS TERRY + TIA  
137 CONFEDERATE POINT RD  
PALATKA FL 32177

PB 10-33

37-10-26-6850-3570-0020  
GODFREY ARTHUR L + LEITHER M  
1903 ST JOHNS AVE  
PALATKA FL 32177

PB 10-33

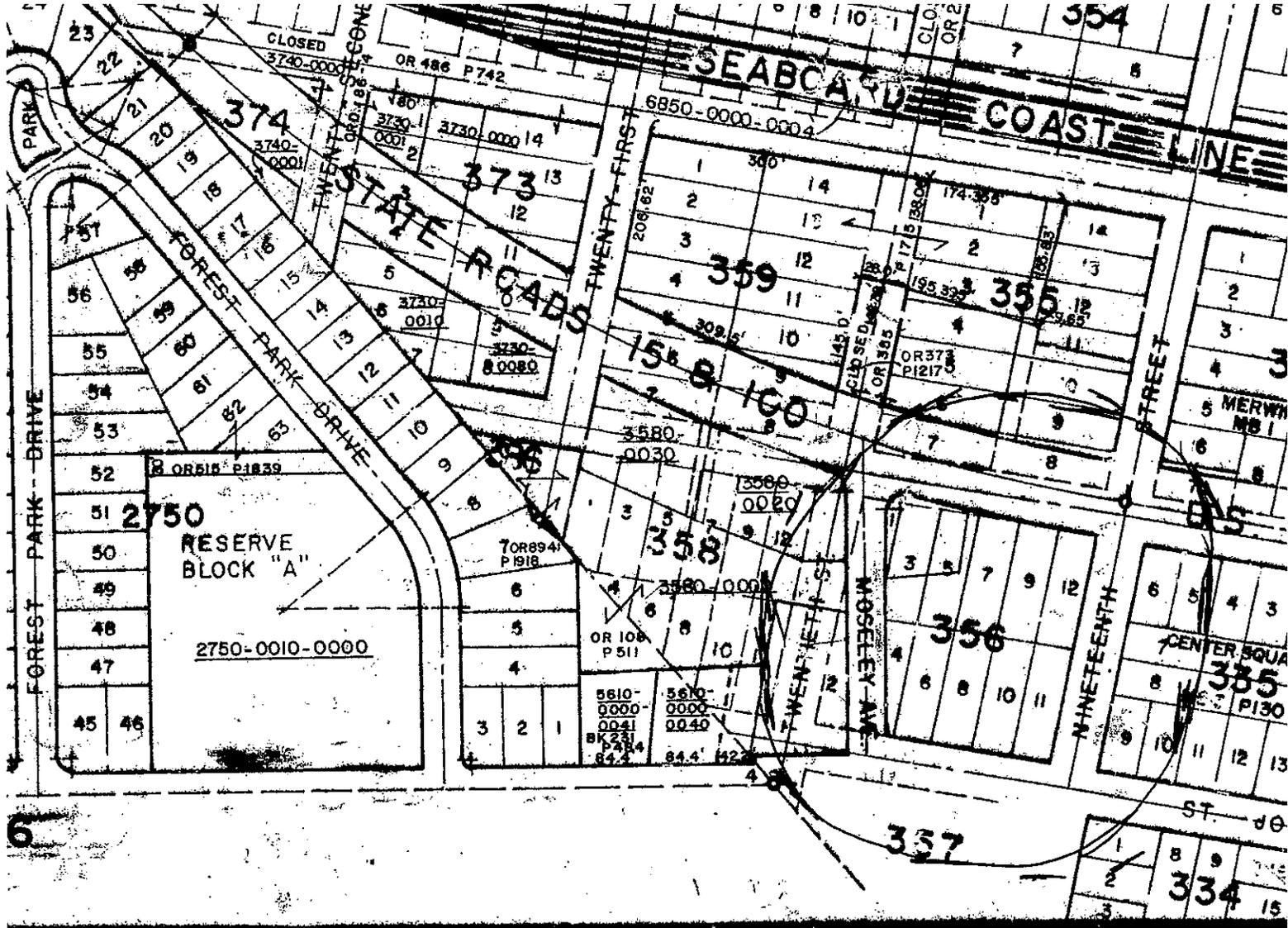
37-10-26-6850-3340-0010  
NORTHEAST FLORIDA NEWSPAPERS  
PO BOX 777  
PALATKA FL 32178

PB 10-33

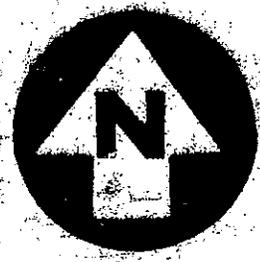
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WILKES JOHN WISE II + DELANO ANGUS  
2022 CRILL AVE  
PALATKA FL 32177

PB 10-33



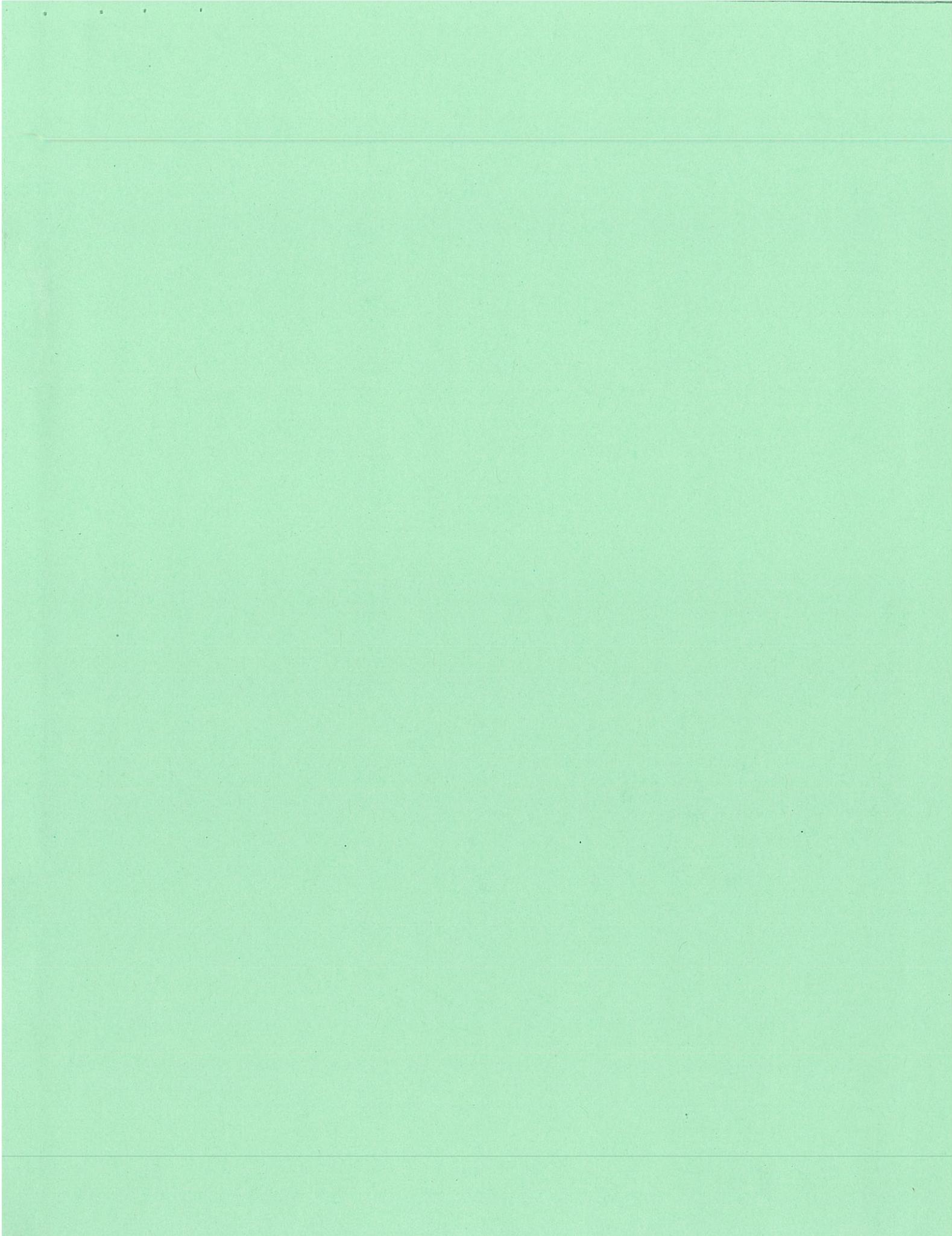


**ITY, FLORIDA**  
**PROPERTY APPRAISER**



**SCALE: 1" = 200'**

**NO**  
 INFORMATION  
 IS FOR USE O  
 PROPERTY APP  
 AND SHOULD  
 FOR A SURVEY  
 TRANSFER OF



2

3 Request for amendment to section 70-31 Placing merchandise, benches or other obstructions in  
4 sidewalk.

5

6 The City Commission held workshops with downtown business/property owners to determine a means to  
7 allow the placement of items on the City’s sidewalk. As a result of these workshops, new language has been  
8 suggested which will allow items to be placed on the City’s sidewalk with regulations, liability and permit  
9 requirements to be met. *Staff recommends approval of the new language.*

10

11

12 **Section 1.** That Chapter 70, Article II, Sidewalks, Division 1, Section 31 shall be amended to read as  
13 follows:

14

15 **Sec. 70-31. Placing merchandise, benches or other obstructions in sidewalk.**

16

17 A. Except as otherwise provided in section 70-1, it shall be unlawful for any person to place, put or leave  
18 any goods, wares, merchandise, boxes, benches or other obstructions of any nature whatsoever on any  
19 part of the sidewalks along the streets of the city outside the property line of the streets except that in  
20 the Downtown Riverfront (DR) and Downtown Business (DB) zoning districts business owners may  
21 obtain a permit to do so in conformance with the following conditions:

22

- 23 1. Merchandise may be placed on the city sidewalk up to two (2) feet outside of and beyond the  
24 property line housing the permanent retail operation not to exceed more than fifty percent (50%)  
25 of the building frontage.
- 26 2. No sales may take place in the right-of-way.
- 27 3. Placement of all merchandise must adhere to the requirements of the Americans with  
28 Disabilities Act and all other applicable standards and shall maintain a 48” clear path at all times.
- 29 4. Displays of merchandise may not obstruct ingress to or egress from the building.
- 30 5. No electricity may be used in conjunction with the display of merchandise, for artificial  
31 light or any other purpose. Electrical goods which are not plugged in may be displayed.
- 32 6. All merchandise must be brought in at the close of business each day.
- 33 7. All merchandise and supporting structures shall be kept clean and in good repair.
- 34 8. Planters will be allowed to remain outside at all times provided they are at least 18” in height and  
35 maintained at all times.
- 36 9. Real estate boxes, newspaper racks and package/letter drop-off containers must be permitted and  
37 installed to code.
- 38 10. A-frame signs/sandwich signs/menu boards must be permitted

- 1 11. Benches or seats for occupancy by persons may be placed and maintained on and along the  
2 sidewalks of the city provided they are maintained by the owner or occupant of the abutting  
3 property in a safe and sightly condition and no part thereof extends more than 2 ½ feet outside of  
4 and beyond the property line of such owner. No signage will be allowed on any portion of the  
5 bench or seat for occupancy.
- 6 12. Open air dining on public sidewalks is allowed as a conditional accessory use in the DB and DR  
7 zoning districts and are subject to the following:
- 8 a. The 48” clear path must be maintained and should include space for the service of food and  
9 beverages in addition to the width of the table and chairs.
  - 10 b. No obstruction shall be placed within 18” of the face of any curb, within five feet of any fire  
11 hydrant, fire exit, or building entry.
  - 12 c. Open air dining shall be allowed to exceed the 50% limitation of building frontage if approved  
13 by the Planning Board.
  - 14 d. The storage and preparation of food or drinks is prohibited in the open air dining area.
  - 15 e. In the event of foul weather including winds, all tables, chairs, table accessories, trash or other  
16 debris shall be secured or removed so as not to create any risk to public safety.
  - 17 f. Any and all food and beverage spills shall be promptly cleaned up. All trash and debris within  
18 and around the open air dining area shall be picked up immediately and not allowed to collect,  
19 litter or blow into the public right-of-way.
  - 20 g. Open air dining areas shall demonstrate that sufficient lighting is provided which illuminate  
21 the dining boundaries and adjacent pedestrian walkway in such a manner as to allow safe  
22 negotiation of potential obstructions with such areas.
- 23 13. Each business owner placing anything on the city sidewalk must provide a Certificate of Insurance  
24 evidencing a policy of liability insurance naming the business owner as insured and naming the  
25 city as additional insured with regard to coverage for claims for personal injury, death, and  
26 property damage in the amount of \$500,000 per person and \$1,000,000 per accident for personal  
27 injury/death and \$300,000 for property damage.
- 28 14. Each business owner placing anything on the city sidewalk must sign appropriate documents upon  
29 demand by the City agreeing to hold the city harmless and indemnify the City against any claims,  
30 demands, suits, or causes of action, and against any costs incurred by the City in defending itself  
31 against any of same, arising or allegedly arising from or as a result of the business owner’s  
32 placement of anything on the city sidewalk as is otherwise permitted by this ordinance.
- 33  
34

1 **B. Violations:**

- 2 • First offense – written warning
- 3 • Repeat offense - A fine of \$25 per occurrence will be charged for each day a violation of this
- 4 ordinance is found following the initial warning.

5

6 ~~; provided that benches or seats for occupancy by persons may be placed and maintained on and along~~

7 ~~the sidewalks of the city provided they are maintained by the owner or occupant of the abutting property~~

8 ~~in a safe and sightly condition and no part thereof extends more than 24 inches outside of and beyond the~~

9 ~~property line of such owner, and provided further that g~~ Goods and merchandise delivered to duly

10 licensed merchants and operators of places of business in the city may be deposited and left on the

11 sidewalks immediately in front of the places of business of such merchants and operators between the

12 hours of 12:00 midnight and 8:00 a.m. of the next morning when and where any such place of business is

13 not then open or has no storage area to receive such goods and merchandise at the time of delivery. The

14 leaving of any goods or merchandise on the sidewalks of the city after 8:00 a.m. of the morning of

15 delivery shall be and constitute a violation of this section by the merchant or operator of the place of

16 business to whom such delivery is made.

17 C. Permit/Fee - Before placing any item on the sidewalk by any business owner, a permit to do so shall

18 be issued by the city to such person. The application for such permit shall be accompanied by proof

19 of insurance and an indemnification statement. The permit fee shall be as set forth in Appendix A

20 schedule of fees. Permits will automatically renew in following years with the business owner's

21 Business Tax Receipt. A new certificate of insurance and indemnification will be required each year.

22

23 **SECTION 3:** That Chapter 94, Zoning, Division III, Districts, Division 2, Section 161, DR Downtown

24 Riverfront District, Paragraph (b) shall be amended to read as follows:

25 **Sec. 94-162. DR downtown riverfront district.**

26 (b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein, uses not

27 specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to

28 sales and storage shall be conducted on private property only with the exception of items allowed on

29 the sidewalk per Section 70-31. Permitted principal uses, activities, and structures in the Downtown

30 Riverfront District are as follows:

31

32 **SECTION 5:** That Chapter 94, Article III, Districts, Division 2, Section 162, DB Downtown Business

33 District, Paragraph (b) shall read as follows:

1 **Sec. 94-162. DB downtown business district.**

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

7  
8 **SECTION 7:** That Appendix A, Fee Schedule, Chapter 18, Building & Building Regulations, Section  
9 268, Permit and Inspection Fees, shall be amended to add the following:

10 18-271. Permit fee for placing wares/items on sidewalk in DB and DR zoning districts.....\$25  
11

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/18/2010

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

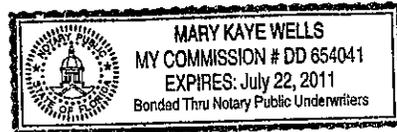
*Vicki Rafuse*

Sworn to and subscribed to before me this 20th day of September, 2010 by Vicki Rafuse, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Mary Kaye Wells*

Mary Kaye Wells, Notary Public  
My commission expires July 22, 2011

Notary Seal  
Seal of Office:



\_\_\_\_/\_\_\_\_ Personally known to me, or  
\_\_\_\_/\_\_\_\_ Produced identification:  
\_\_\_\_/\_\_\_\_ Did take an oath

PUBLIC NOTICE

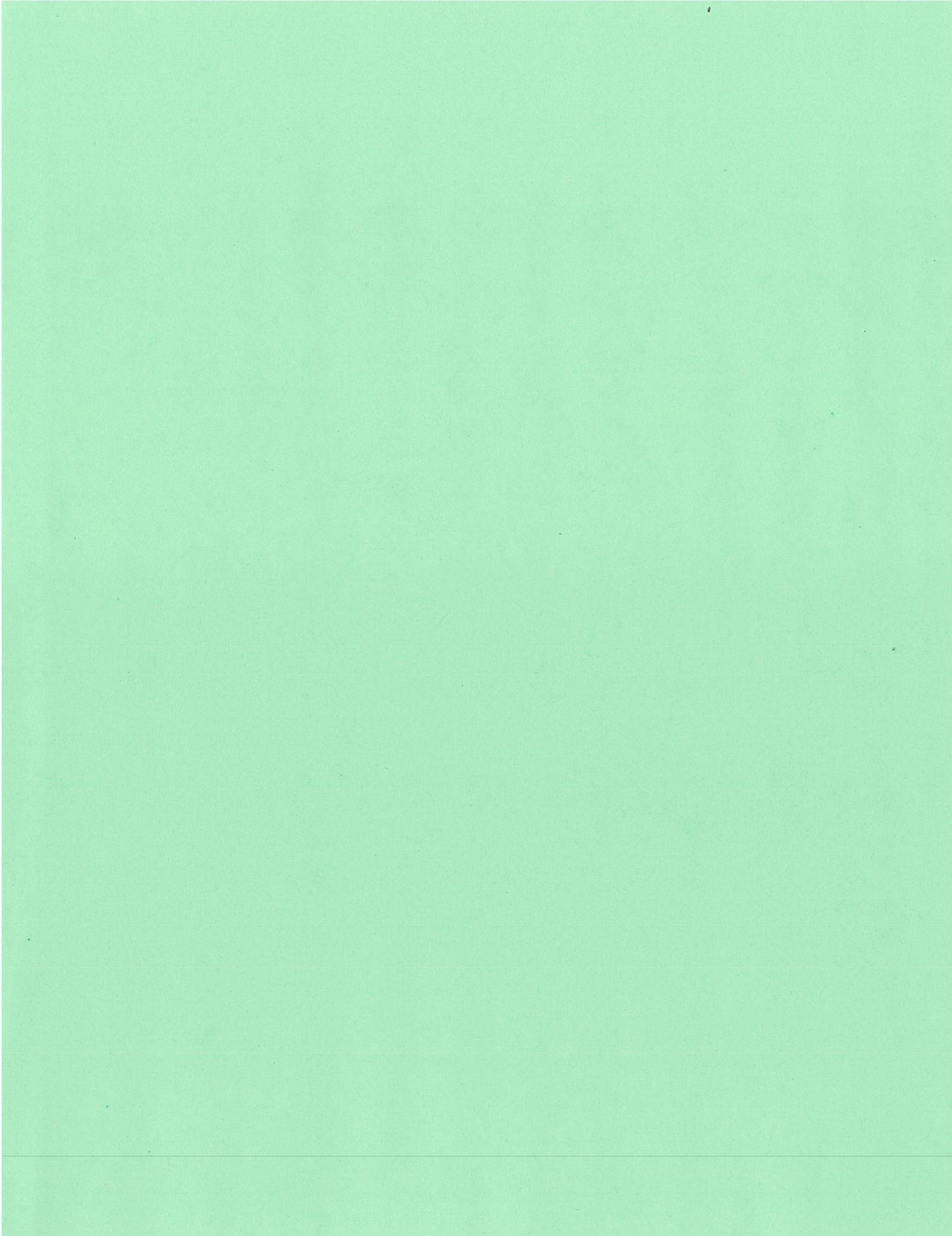
Notice is hereby given that the City of Palatka Planning Board will conduct a public hearing at their regular meeting on Tuesday, October 5, 2010 at 4:00PM at City Hall, 201 N 2nd St., Palatka, FL for the purpose of hearing a request to:

Amend Sec. 70-31 Placing merchandise, benches or other obstructions in sidewalk in the Downtown Riverfront and Downtown Business districts, and amend Chapt. 38 Floods. All interested parties are invited to attend this public

hearing.  
Debbie Banks  
Director of Building & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THE CITY COMMISSION WILL REQUIRE A VERBATIM TRANSCRIPT BE MADE AT THE EXPENSE OF THE APPELLANT THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED F.S. 286.0105. PERSONS WITH DISABILITIES INTERESTED IN ATTENDING THIS MEETING AND REQUIRING ACCOMMODATIONS, SHOULD CONTACT THE CITY BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 05507308  
09/18/2010





STATE OF FLORIDA  
**DIVISION OF EMERGENCY MANAGEMENT**

CHARLIE CRIST  
Governor

DAVID HALSTEAD  
Director

August 20, 2010

Mr. Elwin Boynton, City Manager  
City of Palatka  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

RE: NFIP Community Assistance Contact Report

Dear Mr. Boynton:

We appreciate the cooperation of Ms. Debbie Banks, Planning Director and Floodplain Manager, and Mr. Joff Filion, Building Official, during the recent Community Assistance Contact on June 21, 2010. Florida Division of Emergency Management's floodplain management office conducts such meetings periodically to discuss communities' floodplain management programs, their participation in the National Flood Insurance Program (NFIP), and concerns city staff may have about regulating development in flood zones. The visit gave us the opportunity to assess enforcement of the local flood prevention ordinance and to determine whether additional technical assistance is needed.

Our assessment indicates that Palatka is appropriately and effectively regulating development in its Special Flood Hazard Areas (SFHA). As noted in the enclosed report, the procedures and methodology in which development permits, inspections, and guidance are provided to builders and homeowners are satisfactory. The City will need to update its ordinance to reflect changes in the preliminary Flood Insurance Rate Maps which will become effective on May 24, 2011.

A copy of the report was provided to FEMA's Region IV office. We recommended continued eligibility in the NFIP. If we can be of any further assistance, please do not hesitate to call.

Sincerely,

Joy Duperault  
State Floodplain Manager  
Florida Division of Emergency Management

JD/sm

Encl: Community Assistance Contact Report  
cc: Miles Anderson, State Hazard Mitigation Officer  
Steve Martin, Floodplain Management Specialist  
Debbie Banks, Planning Director, City of Palatka  
Joff Filion, Building Official, City of Palatka  
FEMA Region IV (electronic filing)

**COMMUNITY ASSISTANCE CONTACT (CAC) REPORT**  
**National Flood Insurance Program**

<b>Name of Community</b> City of Palatka	<b>County</b> Putnam	<b>Community ID</b> 120273
<b>Conducted By</b> Steve Martin	<b>Agency</b> DEM	<b>Date of Contact</b> June 21, 2010
<b>Floodplain Manager (FPM)</b> Debbie Banks, Director, Building & Zoning	<b>Telephone</b> 386.329.0103	<b>E-Mail</b> <a href="mailto:dbanks@palatka-fl.gov">dbanks@palatka-fl.gov</a>

**Address of Local Official**  
 205 N. 2<sup>nd</sup> Street, Palatka, Florida 32177

**Name of CEO (and address, if different) and phone/ email**  
 Elwin Boynton, City Manager, 201 North 2<sup>nd</sup> Street, Palatka, Florida 32177  
 386.329.0100, [wboynton@palatka-fl.gov](mailto:wboynton@palatka-fl.gov)

**SUMMARY OF FINDINGS**

1. Are there any problems with the community's floodplain management regulations?	<input type="checkbox"/> None <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Serious
2. Are there problems with administrative and enforcement procedures?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Serious
3. Are there engineering or other problems with the maps or Flood Insurance Study?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Serious
4. Are there other problems with the local floodplain management program?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Serious
5. Are there problems with the Biennial Report data?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not available
6. Are there any potential violations of the community's floodplain management regulations?	<input type="checkbox"/> Potential violations have been identified. <input checked="" type="checkbox"/> No violations have been identified. <input type="checkbox"/> Actions are in progress to remedy any noted problems.
7. Is a CAV needed within one year from the date of CAC?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

## **NARRATIVE FOR QUESTIONS 1-7 ABOVE**

The Community Assistance Contact telephone call was attended by: Debbie Banks, Director, Palatka Planning & Zoning Department, Joff Filion, Building Official, and Steve Martin, Floodplain Management Specialist, Division of Emergency Management.

### **1. Are there any problems with the community's floodplain management regulations?**

**Minor.** The ordinance should be updated to provide the following:

- Additional definitions (see Title 44 CFR 59.1):
  - Existing Manufactured Home Parks
  - Expansion to an Existing Manufactured Home Park
  - Floodproofing
  - Historic Structure
  - Manufactured Home Parks
  - New Manufactured Home Parks
  - Recreational Vehicles
  - Substantial Damage
  - Violation
- Add a Severability Section unless it is in another part of the Land Development Regulations that applies to the Floodplain Management Ordinance.
- Add a requirement to submit new technical data on physical changes within 6 months, and notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. (see 44 CFR 65.3)
- Add language that reads similar to: 'In A1-30 and AE Zones, without a designated regulatory floodway, no new development shall be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot.' (see 44 CFR 60.3(c)(10)) Similar language is in the City's Comp Plan but it is not specific enough to meet NFIP requirements.

### **2. Are there problems with administrative and enforcement procedures?**

**No.** Only small portions of the City fringing the St. Johns River wetlands are designated as special flood hazard areas A3 (El 6) and B Zone. These areas are not easily suitable for development and, therefore, no new permits have been requested in floodplains during the past three years.

### **3. Are there engineering or other problems with the maps or Flood Insurance Study?**

**No.** City staff has identified no concerns with the existing FIRM maps, and the new preliminary DFIRMs issued in May 30, 2010, include the same floodplain areas but with slightly lower elevations at El 4 where the current maps indicate El 6 in the A3 Zone.

**4. Are there other problems with the local floodplain management program?**

No. There are no recurring issues with the City's administration of the program.

**5. Are there problems with the Biennial Report data?**

No. The latest report was completed and sent to FEMA in 2009.

**6. Are there any potential violations of the community's floodplain management regulations?**

No. There are no known violations at this time.

**7. Is a CAV needed within one year from the date of CAC?**

No. The City is in the process of updating its ordinance to incorporate new DFIRM changes and recommendations provided by the State during the CAC. The State will continue to provide technical assistance as requested by City staff.

### **COMMUNITY ACTION**

The following actions are *required to be completed by the Community by November 30, 2010*:

- Update floodplain ordinance to incorporate new DFIRMs by effective date of maps, May 24, 2011, and minor deficiencies as identified in Question 1 above.

The following actions are suggested:

- Visit the Florida Floodplain Management Association's webpage for training opportunities ([www.ffma.net](http://www.ffma.net)) to keep staff knowledgeable about new and existing information that will help the City manage its floodplains.

### **FOLLOW-UP BY STATE**

The State has done or will do the following by *November 30, 2010*:

- State staff has provided suggested language for updating the City's ordinance.
- No follow up needed, but State staff will continue to provide ongoing technical assistance as needed.

### **BACKGROUND**

#### **a.) Last CAC/ By Whom/ Results**

- The last CAC was conducted on June 11, 2002 by J. Johnson with the State. No CAC notes were recorded in the FEMA CIS database. The last CAV was conducted on June 25, 1993 by Leroy Thompson. Extensive updating of definitions in ordinance was required and building permit was to be modified to include floodplain data. No follow up comments were recorded.

#### **b.) History of Flood Problems/ Population/ Development / Administration**

Palatka is situated on a naturally elevated area on an inside curve on the west bank of the St. Johns River. Prior to arrival of Europeans, the area was widely occupied by St. Johns II people and likely earlier subsistence cultures, and later occupied during the period of European contact with Timucuan people and subsequently Seminoles because of the high ground, rich farm land and proximity to the river. The town served as an important ford, ferry landing and distribution point for agricultural goods produced from colonial period plantations through late 19<sup>th</sup> Century. Before the north Florida freezes, citrus products were distributed up and down the eastern seaboard from Palatka. The name "Palatka" is derived from a Muskogee word for 'ford' or 'crossing'. The high ground in the community also served the interests of two railroad companies that established cross roads and stop over locations for both passengers and freight distribution.

The city's Special Flood Hazard Areas (SFHA) are confined along the west bank of the St. Johns river consisting of Zone A3 (El 6) and Zone B (between the 100 and 500 year expected flood zones with average depths less than one foot). The largest area of SFHA is on the extreme northeast quadrant of the city where elevation drops into riverine wetlands or habitat with poorly drained soils along the St. Johns River. Both this flood zone area and the narrow fringing flood zone at the eastern edge of the elevated town area are inappropriate areas for development either because of the protected wetland habitat or because of public ownership or the limited land use for recreation and water-dependent activities. There have been no serious flood damage to structures in the vicinity of these areas in many years and no new developments are proposed in the designated floodplains.

**c.) Insurance Information**

According to the FEMA Community Information System database, there are 39 policies in force, four paid losses, no substantial damage claims since 1978, and no Repetitive Losses.

**d.) Repetitive Loss**

There is no repetitive loss properties recorded for the City of Palatka.

**MITIGATION GRANT ACTIVITY & INTEREST**

There has been no flood damage in recent years and no mitigation grant funding needs are indicated.

**OTHER FINDINGS**

Possible topics under "OTHER FINDINGS"

- The Floodplain Manager immediately began making draft updates to the ordinance following the CAC meeting and staff has provided technical assistance

when requested. The existing ordinance required a 4-foot above BFE higher standard that was not uniformly enforced. Once the new preliminary DFIRM maps were distributed (May 2010) that lowered the BFE, staff are considering amending the ordinance to reduce the minimum elevation to 2-feet above the BFE.

- Periodically scheduled inspections of the floodplain are not conducted, but building officials keep watchful eyes on development, renovations and other land development activities when inspecting properties in the vicinity of the limited area of SFHA in the City.
- No new development or variances have occurred in the SFHA during the past three years, but staff continues to monitor any renovations to existing homes in flood zones.
- Elevation certificates when required are retained with permit files.
- No manufactured homes are located in the SFHAs and new manufactured home parks will not be permitted in flood hazard areas according to the Director of Planning and Zoning.

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

09/18/2010

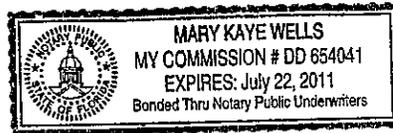
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*Vicki Rafuse*

Sworn to and subscribed to before me this 20th day of September, 2010 by Vicki Rafuse, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Mary Kaye Wells*

Mary Kaye Wells, Notary Public  
My commission expires July 22, 2011



Notary Seal  
Seal of Office:

\_\_\_\_/\_\_\_\_ Personally known to me, or  
\_\_\_\_/\_\_\_\_ Produced identification:  
\_\_\_\_/\_\_\_\_ Did take an oath

PUBLIC NOTICE

Notice is hereby given that the City of Palatka Planning Board will conduct a public hearing at their regular meeting on Tuesday, October 5, 2010 at 4:00PM at City Hall, 201 N 2nd St., Palatka, FL for the purpose of hearing a request to:

Amend Sec. 70-31 Placing merchandise, benches or other obstructions in sidewalk in the Downtown Riverfront and Downtown Business districts, and amend Chapt. 38 Floods. All interested parties are invited to attend this public

hearing.  
Debbie Banks  
Director of Building & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THE CITY COMMISSION WILL REQUIRE A VERBATIM TRANSCRIPT BE MADE AT THE EXPENSE OF THE APPELLANT THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED F.S. 286.0105. PERSONS WITH DISABILITIES INTERESTED IN ATTENDING THIS MEETING AND REQUIRING ACCOMMODATIONS, SHOULD CONTACT THE CITY BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 05507308  
09/18/2010

**ARTICLE I. ~~IN GENERAL STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES~~**

**Sec. ~~38-1~~ A. Statutory authorization.**

The state legislature has, in F.S. ch. 166, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city commission does ~~ordain this chapter~~ hereby adopt the following floodplain management regulations.  
(Code 1981, § 9 1/2 2)

**Sec. ~~38-2~~ B. Findings of fact.**

(1) The flood hazard areas of the city are not subject to periodic inundation which results in loss of life or property, health or safety hazards, disruptions of commerce or governmental services, extraordinary public expenditures for flood protection or relief or impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

(2) The business and residential areas of the city are well above flood hazard areas. Elevations range from approximately ~~ten~~ five feet to 60 feet, running west from the St. Johns River. Approximately 350 acres on the north and northeast side of the city are bounded to the east by the St. Johns River and in the city limits. Land zoned ~~A-3~~ AE is all undeveloped swamp or wooded areas at this time. ~~Approximately ten acres on the southeast corner of zone A-3 (see map) area (2) is being filled to an elevation of four to six feet for future development by private parties, as is area (3), which is approximately 15 acres.~~

(Code 1981, § 9 1/2 2)

~~Editor's note: The map referred to in section 38-2(b) is on file in the office of the city building official.~~

**Sec. ~~38-3~~ C. Relationship of chapter to comprehensive plan.**

This ~~chapter ordinance~~ implements the following policies of the city comprehensive plan ~~2005~~ 2010

:

(1) Future land use element:

- a. Policy A.1.1.1.
- b. Policy A.1.3.3.
- c. Policy A.1.4.1.
- d. Policy A.1.4.11.
- e. Policy A.1.9.3.
- f. Policy A.1.11.4.

(2) Public facilities element:

- a. Objective D.2.2.
- ~~b. Policy D.2.2.1.~~
- b. e. Policy D.2.2.5.

(Code 1981, § 9 1/2-2.1)

**Sec. ~~38-4~~ D. Purpose of chapter.**

It is the purpose of this ~~chapter ordinance~~ to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwater;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards to other lands.

(Code 1981, § 9 1/2-3)

**Sec. 38-5 E. Objectives of chapter.**

The objectives of this ~~chapter~~ ordinance are to:

(1) Protect human life, ~~and health~~ and to eliminate or minimize property damage;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, culverts and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and

(7) Ensure that potential home buyers are notified that property is in a flood hazard area.

(Code 1981, § 9 1/2-4)

**Sec. 38-6 ARTICLE II. Definitions.**

The following words, terms and phrases, when used in this ~~chapter~~ ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this ~~chapter~~ ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ~~chapter~~ ordinance its most reasonable application.

*Accessory structure* (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

*Appeal* means a request for a review of the city's Floodplain Administrator's interpretation of any provision of this ~~chapter~~ ordinance, or a request for a variance.

*Area of shallow flooding* means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year. (also called the "100-year flood" and the "regulatory flood"). Base flood is the term used throughout this ordinance.

*Base Flood Elevation* means the water-surface elevation associated with the base flood.

*Basement* means that portion of a building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

~~*Building* means any see structure built for support, shelter or enclosure for any occupancy or storage.~~

~~*Coastal high hazard area.* Not applicable.~~

*Datum* A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

*Elevated building* means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing) is completed before May 22, 1980.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing).

*Flood and flooding* means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
  - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Boundary and Floodway Map (FBFM) means the official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

Flood Hazard Boundary Map (FHBM) means an official map of the community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

~~Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.~~

Flood Insurance Study (FIS) means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, and other applications of police power which control development in flood-

prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe means that area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Functionally dependent facility use* means a *facility use* which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Hardship as related to variances from this ordinance means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c) Included in the Florida inventory of historic places (Florida Master Site File) and that has been determined to be eligible by the State Historic Preservation Officer or the Secretary of the Interior for listing on the National Register of Historic Places;
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By the approved Florida program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this ordinance.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground, and which contains one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularia racemosa*), and buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportation structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NAVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the start of construction commenced on or after June 25, 1987.

New Construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after May 22, 1980. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after May 22, 1980, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing) is completed on or after the effective date of the first floodplain management code, ordinance or standard.

North American Vertical Datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Program deficiency means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public safety and nuisance means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle means a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes.—Not applicable.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs and footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start

of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructure.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

*Variance* means a grant of relief from the requirements of this ~~chapter~~ ordinance which permits construction in a manner otherwise prohibited by this ~~chapter~~ ordinance, where specific enforcement would result in unnecessary hardship.

*Violation* means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

*Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

~~—(Code 1981, § 9-1/2-5)—~~

~~Cross references: Definitions generally, § 1-2.~~

### **ARTICLE 3. General Provisions**

#### **Sec. ~~38-7A~~. Lands to which ~~chapter~~ ordinance applies.**

This ~~chapter~~ ordinance shall apply to all areas of special flood hazard within the jurisdiction of the city.  
(Code 1981, § 9-1/2-6)

#### **Sec. ~~38-8B~~. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated ~~January 25, 1979~~ June 11, 2010, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ~~chapter~~

ordinance. Upon annexation by the City of parcels from Putnam County, all associated FIRM map panels are adopted by reference and declared to be a part of this ordinance.  
(Code 1981, § 9 1/2-7)

### **Sec. C. Designation of Floodplain Administrator**

The city hereby appoints the Chief Building Official to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

#### **Sec. 38-9 D. Development permit required.**

A development permit shall be required in conformance with the provisions of this ~~chapter~~ ordinance prior to the commencement of any development activities.  
(Code 1981, § 9 1/2-8)

#### **Sec. 38-10 E. Compliance with applicable regulations.**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ~~chapter~~ ordinance and other applicable regulations.  
(Code 1981, § 9 1/2-9)

#### **Sec. 38-11 F. Abrogation of existing agreements or restrictions; conflicting regulations.**

This ~~chapter~~ ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ~~chapter~~ ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.  
(Code 1981, § 9 1/2-10)

#### **Sec. 38-12 G. Interpretation of chapter.**

In the interpretation and application of this ~~chapter~~ ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the city commission; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Code 1981, § 9 1/2-11)

#### **Sec. 38-13 H. Warning and disclaimer of liability.**

The degree of flood protection required by this ~~chapter~~ ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ~~chapter~~ ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ~~chapter~~ ordinance shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this ~~chapter~~ ordinance or any administrative decision lawfully made thereunder.  
(Code 1981, § 9 1/2-12)

#### **Sec. 38-14 I. Penalties for Violations; penalty.**

Violation of the provisions of this ~~chapter~~ ordinance, or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Code. Any person who violates this ~~chapter~~ ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-10, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.  
(Code 1981, § 9 1/2-13)

## ARTICLE 4. ADMINISTRATION

### SEC. A. PERMIT PROCEDURES

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage:
  - a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
  - b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
  - c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4, Section A (2) and Article 5, Section B (2);
  - d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
  - (e) Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and/or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in Coastal High Hazard Areas.

- (2) Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood-proofed elevation, or bottom of the lowest horizontal structural member of the lowest floor as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

## ARTICLE II. ADMINISTRATION\*

\*Cross references: Administration, ch. 2.

**~~Sec. 38-41. Designation of building official~~**

~~The building official is hereby appointed to administer and implement the provisions of this chapter.~~

**~~Sec. 38-43 B. Duties and responsibilities of building official~~ the Floodplain Administrator.**

~~Duties of the building official~~ Administrator ~~under this chapter~~ shall include but not be limited to the following:

- ~~(1) The building official shall review all development permits to ensure that the permit requirements of this chapter have been satisfied.~~
- ~~(2) The building official shall advise permittees that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.~~
- ~~(3) The building official shall notify adjacent communities, the state department of community affairs, and St. Johns River Water Management District prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.~~
- ~~(4) The building official shall ensure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.~~
- ~~(5) The building official shall verify and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 38-42(2).~~
- ~~(6) The building official shall verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with section 38-42(2).~~
- ~~(7) When floodproofing is utilized for a particular structure, the building official shall obtain certification from a registered professional engineer or architect, in accordance with section 38-72(2).~~
- ~~(8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the building official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.~~
- ~~(9) When base flood elevation data or floodway data has not been provided in accordance with section 38-8, the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of article III of this chapter.~~
- ~~(10) All records pertaining to the provisions of this chapter shall be maintained in the office of the building official and shall be open for public inspection.~~

~~(Code 1981, § 9 1/2-26)~~

- (1) Review permits to assure sites are reasonably safe from flooding;

- (2) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (3) Require copies of additional Federal, State of Florida, or local permits, especially as they relate to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and 553, Part IV, Florida Statutes, be submitted along with the development permit application and maintain such permits on file with the development permit;
- (4) Notify adjacent communities, the Florida Department of Community Affairs – Division of Emergency Management – NFIP Coordinating Office, St. Johns River Water Management District, the Federal Emergency Management Agency, and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
- (5) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new and substantially improved buildings, in accordance with Article 5, Section B (1) and (2) and Section E (2), respectively;
- (7) Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved buildings have been flood-proofed, in accordance with Article 5, Section B (2);
- (8) Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building, together with attendant utilities and sanitary facilities, below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Article 5, Section B (2) of this ordinance.
- (9) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;
- (10) When base flood elevation data and floodway data have not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 5;
- (11) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and
- (12) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Article 5, Sections B (1) and (2), respectively.

## ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

### Sec. 38-15 A. General development standards for 100-year floodplain.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- (1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Method of anchoring will be in accordance with the developmental standard allowed in each zoning district. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
- (11) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator along with the application for development permit. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to, the following:
  - (a) St. Johns River Water Management District in accordance with Chapter 373.036 Florida Statutes, Section (2) (a) – Flood Protection and Floodplain Management;

- (b) Department of Community Affairs: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code;
- (c) Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems; and

(12) Standards for Subdivision Proposals and other new Proposed Development (including manufactured homes):

- (a) Such proposals shall be consistent with the need to minimize flood damage;
- (b) Such shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and
- (c) Such proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

~~(a) *Lowest floor elevation.* Development in the FEMA 100-year flood hazard zone is to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation as established by the FEMA flood insurance rate maps.~~

~~(b15) *Dredging and filling; location of structures.* Dredging and filling of lands within floodplains shall be limited to that approved by federal and state agencies having the authority to regulate and police such activities. All proposed development shall be clustered and located on the non-floodplain portions of the site, or, for the proposed development areas that lie entirely within the 100-year floodplain, all structures shall be required to be elevated on pilings.~~

~~(e16) *Additional standards.* The following criteria will apply to development in the 100-year floodplain:~~

- ~~(1) *Storage of hazardous materials.* No hazardous materials or waste shall be stored within the 100-year floodplain.~~
- ~~(2) *Clearing of vegetation.* Clearing of native vegetation will be minimized in the 100-year floodplain by establishing the following open space ratios for the following land uses:~~

TABLE INSET:

	Percentage of Open Space
Residential land use	60
Commercial land use	50
Industrial land use	45

(317) *Septic tanks.* Use of septic tanks in floodprone areas will be restricted as specified by the county department of health, and all such sewage disposal systems shall be required to connect to central sewage systems when system collection lines are within 250 feet of subject property.

(418) *Maintenance of natural topography.* Any development within a floodprone area will maintain the natural topography and hydrology of the development site.

(Code 1981, § 9 1/2-14)

~~Secs. 38-16-38-40. Reserved.~~

### **Sec. 38-72. Specific standards.**

In all areas of special flood hazard A-Zones where base flood elevation data has been provided, as set forth in ~~section 38-8 or section 38-43(9)~~ Article 3, Section B, the following provisions in addition to those set forth in Article 5, Section A, shall apply ~~are required~~:

- (1) *Residential construction.* ~~New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than four feet above one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of Article 5, Section B (3). openings sufficient to facilitate the unimpeded movement of floodwater shall be provided in accordance with standards of subsection (3) of this section.~~
- (2) *Nonresidential construction.* ~~New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated no lower than four feet above the level of the base flood elevation. Structures located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 38-42(2).~~

(2) *Non-Residential Construction.* All new construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

~~(3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.~~

~~a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:~~

~~1. A minimum of two openings shall be provided having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~

~~2. The bottom of all openings shall be no higher than one foot above grade; and~~

~~3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.~~

~~b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.~~

~~e. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).~~

~~d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

(3) Enclosures below the Lowest Floor. New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:

(i) Provide a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

(b) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and

~~(4) Floodways.~~ Located within areas of special flood hazard established in section 38-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater, which carries debris and potential projectiles and has erosion potential, the following provisions shall apply:

~~a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.~~

~~b. If subsection (4)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.~~

~~e. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed~~

on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 38-71(2) and the elevation standards of subsection (1) of this section are met.

~~(5) Coastal high hazard areas. Not applicable.  
(Code 1981, § 9 1/2-40)~~

~~Sec. 38-73. Standards for streams without established base flood elevations or floodways. Located within the areas of special flood hazard established in section 38-8, where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions shall apply:~~

~~(1) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to one-tenth times the width of the stream at the top of the bank or 20 feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~(2) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with section 38-43(9).  
(Code 1981, § 9 1/2-41)~~

~~Sec. 38-74. Standards for subdivision proposals.~~

- ~~(a) All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- ~~(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
- ~~(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.~~
- ~~(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of 50 lots or five acres.  
(Code 1981, § 9 1/2-42)~~

~~**Sec. 38-75. Standards for areas of shallow flooding (AO zones).**~~

~~Located within the areas of special flood hazard established in section 38-8 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~

~~(1) Residential structures. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.~~

~~(2) Nonresidential structures. All new construction and substantial improvements of nonresidential structures shall:~~

- ~~a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or~~
- ~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of~~

~~water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

### **SECTION C. SPECIFIC STANDARDS FOR A-ZONES WITHOUT BASE FLOOD ELEVATIONS AND REGULATORY FLOODWAYS.**

Located within the areas of special flood hazard established in Article 3, Section B, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

(1) Require standards of Article 5, Section A.

(2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Standards set forth in Article 5, Section B shall apply.

(3) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Article 5, Section B shall apply. The Floodplain Administrator shall:

- a) Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
- b) Obtain, if the structure has been floodproofed in accordance with the requirements of Article 5, Section B (2), the elevation in relation to the mean sea level to which the structure has been floodproofed, and
- c) Maintain a record of all such information.

(4) Notify, in riverine situations, adjacent communities, the Florida Department of Community Affairs – NFIP Coordinating Office, and the St. Johns River Water Management prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(5) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(6) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Method of anchoring will be in accordance with the developmental standard allowed in each zoning district. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.

(7) When the data is not available from any source, in accordance with standard set forth in Article 5, Section C (2) of this Section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade. Standards set forth in Article 5, Section B shall apply.

## **ARTICLE VARIANCE PROCEDURES.**

### **SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.**

The Board of Zoning Appeals as established by the City Commission of Palatka shall hear and decide appeals and requests for variances from the requirements of this ordinance.

### **SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.**

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.

### **SECTION C. VARIANCE PROCEDURES.**

In acting upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

### **SECTION D. CONDITIONS FOR VARIANCES.**

- (1) Variances shall only be issued when there is:

- a) A showing of good and sufficient cause;
  - b) A determination that failure to grant the variance would result in exceptional hardship; and
  - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
  - (3) The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

#### **SECTION E. VARIANCE NOTIFICATION.**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

#### **SECTION F. HISTORIC STRUCTURES.**

Variances may be issued for the repair or rehabilitation of "historic" structures – meeting the definition in this ordinance – upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.

#### **SECTION G. STRUCTURES IN REGULATORY FLOODWAY.**

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.