CITY OF PALATKA
PLANNING BOARD AGENDA
December 4, 2012

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the November 13, 2012 meeting.

4. Appeal procedures and ex parte communication.

5. **OLD BUSINESS**

Case 12-53: Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2022 (tabled from the November Agenda).

6. **NEW BUSINESS**

Case 12-57 Annex, amend the Future Land Use map from UR to RL and Rezone from County R-1A to City R-1A for 2406, 2408, 2412 Tommy Avenue and 2419 Leigh Street.
Owner(s): Multiple
Applicant: Administrative

Case 12-59: Request for conditional use to relocate a childcare facility in a C-2 zoning district.
Location: 625 S. State Rd. 19
Owner: Terwilleger GH 1983 Trust Et Al
Agent: Cimone Coring

Case 12-60: Administrative request to amend Zoning Code Section 94-161 and 94-162 (Downtown Business and Downtown Riverfront zoning districts) regarding permitted accessory uses.

Case 12-62: Administrative request to amend Zoning Code Section 94-156 to allow educational/interpretative signs in historic districts.

7. **Other Business**

8. **ADJOURNMENT**

CITY OF PALATKA
PLANNING BOARD MEETING MINUTES
November 13, 2012

The meeting was called to order by Vice-Chairman Daniel Sheffield at 4:00 pm. **Other members present:** Carl Stewart, Earl Wallace, Lavinia Moody, George DeLoach and Joe Pickens. **Members absent:** Joseph Petrucci, Judith Gooding and Anthony Harwell. **Also present**: Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion was made by Mr. Sheffield and seconded by Mr. Pickens to approve the minutes with corrections (to remove the first word "producing" from Mr. Wallace's statement on page 6) for the October 2, 2012 meeting. All present voted affirmative, motion carried.

Chairman Stewart read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

OLD BUSINESS

Case 12-33 Administrative request to amend Comprehensive Plan Future Land Use Element Policy A.1.9.3 to remove height limitations and add floor area ratios to Future Land Use Map categories

Mr. Crowe advised that this was originally heard in June Comprehensive Plan Future Land Use Map categories and the Zoning Code had measurable standards for potential development. The state agency forwarded comments regarding the need for our Comprehensive Plan Land Use categories to have measurable standards to potential development and they felt that without height limits, there would not be that measurable outcome of each land use category. They agreed to the use of Floor Area Ratios (F.A.R.), which is a simple ratio of building space to land. He reviewed examples of different proportional ratios. Mr. Crowe explained that a survey was done with the intent to try and match up the ratio formulas to the height limits in the zoning code. He added that the intent was to "true up" the Comp Plan height limits with the Zoning code, as there is conflict between them. He believes that the F.A.R. is a more flexible option that still controls development potential of land instead of height limits. He recommended approval.

Mr. Pickens asked if this is something that a tentative agreement has been reached with the Department of Transportation (D.O.T.) about, and is this formula used in a lot of other place.

Mr. Crowe replied yes many other areas use this formulation, and that the Department of Economic Opportunity had suggested it and the D.O.T. said they were fine with that.

Motion was made by Mr. Sheffield and seconded by Ms. Moody to recommend approval of the amendment as submitted by staff to the City Commission. All present voted affirmative. Motion carried.

Case 12-41: Administrative request to amend the zoning code to add density, design and locational standards for mixed-use residential and nonresidential uses in downtown zoning districts.

Mr. Crowe explained that this is something that staff is obliged to do. It stems from last year, when staff found that the Commercial Land Use category, in the Future Land Use Element, really did not allow for residential uses - period. This has been misinterpreted in the past, so the Comp Plan was amended to allow for residential

uses in the commercial category in the downtown zoning districts only, and with that amendment, we said that we would develop some basic locational and design standards for residential in the downtown area. He reviewed the following proposed code revisions:

- Eliminate obsolete language pertaining to grandfathering residences existing prior to 2003 – this is already covered in the Code's nonconforming structures and uses section (Sec. 94-114 & 94-115).
- Eliminate requirement that uses with more than three units receive conditional use approval – this will remove a barrier for downtown residential development.
- Amend code to allow ground floor residential uses on side streets, Oak Street, and north side of Laurel Street, now prohibited by current code – this would legitimize the existing homes along these streets and leave only buildings fronting on St. Johns Avenue subject to the prohibition of ground floor residential.
- Reduce minimum size of efficiency from 500 SF to 300 SF (other minimum sizes stay the same as follows: one bedroom is 500 SF, two bedrooms is 650 SF, and then 150 SF is required for each additional bedroom above two bedrooms).
- Establish overall downtown density at 20 units per acre, which for the 105 acres of downtown zoning would allow for a potential 2,100 units.
- Raise number of units from one to three within a single tax parcel (typically this is one downtown building) that are exempt from minimum parking requirements.
- Provide complete parking exemption from minimum parking requirements for buildings with local historic district or property designation.
- Provide a bicycle parking space credit for up to 15% of required minimum parking, with one parking space equating to a bicycle rack for minimum three bicycles.
- Allow for off-site parking to satisfy parking requirements within 1,200 feet of property (currently in the Code and applicable to C-3, which is the old downtown zoning district predating the current DB and DR districts, which were established in 2003).

Ms. Moody disclosed the fact that the proposed amendment could potentially impact her, as she lives in the downtown area.

Discussion took place regarding having a minimum number of units and square feet in place for multiple residential units requiring a conditional use approval. Staff stated that design standards have been drafted for the downtown area and in the near future they intend to develop a Historic District with design standards. These should address some of the issues the Board may be concerned about. It was Board consensus that it might be premature to eliminate the requirement that uses with more than three units receive conditional use approval and they wanted to require that if the minimum square foot size of efficiency was reduced, it would require a conditional use approval. Staff agreed.

Motion was made by Mr. Pickens and seconded by Mr. Pickens to accept staff's recommendations for the zoning code amendment with the following exceptions: (1) not eliminate the requirement that uses with more than three units receive a conditional use approval and (2) to amend the recommendation regarding reducing the minimum square to require that any unit size below a minimum of 500 square feet require a conditional use approval. All present voted affirmative. Motion carried.

NEW BUSINESS

Case 12-53: Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2022.

Mr. Crowe requested that this item be tabled until the December 4, 2012 meeting to allow time for further refinement.

Motion was made by Mr. DeLoach and seconded by Mr. Pickens to table this time until the December 4, 2012 meeting. All present voted affirmative. Motion carried.

Case 12-54: Request for conditional use for outdoor seasonal sales (Christmas trees).
Location: 500 N. State Rd. 19
Owner:Lowe's Home Centers Inc.
Agent: D Eagle Enterprises Inc.

Mr. Crowe explained that this applicant has sold Christmas trees in this location for a number of years. The event is proposed for November 15th though December 15th 2012 and would take place within the parking lot. He recommended approval of the request in accordance with the Applicant's site plan, and with the condition that a clear path for pedestrians be present from the store entrance and garden center entrance to the tree tent.

Motion was made by Mr. Pickens and seconded by Mr. Sheffield to approve the request subject to staff recommendations with the condition of safe pedestrian travel and in conformance with the site plan. All present voted affirmative. Motion carried.

Other Business:

Motion was made to adopt the following for the 2013 meeting dates:

January 8, 2013
February 5, 2013
March 5, 2013
April 2, 2013
May 7, 2013
June 4, 2013
July 2, 2013
August 6, 2013
September 3, 2013
October 1, 2013
November 5, 2013
December 3, 2013

With no further business, meeting adjourned.

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

DATE: November 27, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

RE: Case # 12-53 – Capital Improvement Plan

At their October meeting the Board tabled this administrative request. Staff is again requesting a tabling of this item to the February, 2013 meeting, due to increasing complexity associated with this effort, including the need to analyze impact fee methodology that is associated with the CIP.

Case 12-57: 2406, 2408, 2412 Tommy Avenue and 2419 Leigh Street
Request to Annex, Amend Future Land Use Map and Rezone
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: September 25, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

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

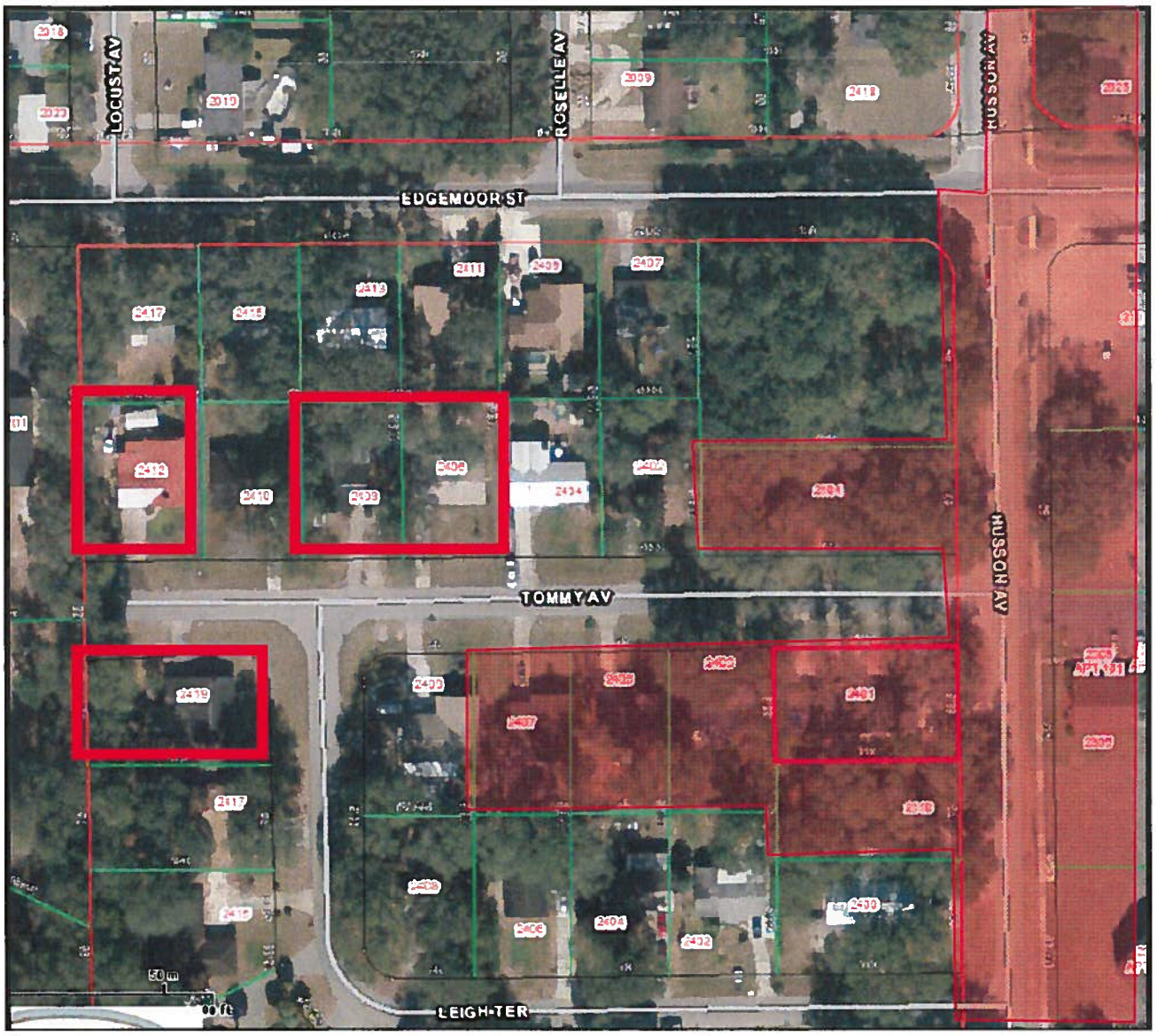


Figure 1: Site and Vicinity Map (red shaded area represents city limits)

Figure 2: Tommy Avenue

APPLICATION BACKGROUND

The properties under consideration currently have County single-family land use and zoning. Staff has field-checked each property to determine use and reviewed the current County FLUM and zoning classifications to determine the appropriate City designation. All properties are single-family residences except for the Crill Avenue property (church), the Mission Dr. property (duplex), and the Poinsetta Ave. property (small mobile home park).

The properties and their current and proposed FLUM and zoning classifications are shown below.

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

Future Land Use Map Category		Zoning	
Current Putnam Co.	**Proposed City**	**Current Putnam Co.**	**Proposed City**
UR (Urban Reserve)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)

An adjacent property, 2407 Tommy Avenue, was recently annexed into the City due to the property owner's need to hook up to City water due to the Health Department's enforcement of the rule that properties must hook up to City water instead of replacing or deepening wells when they are within 250 feet of a city water line. The City's Comprehensive Plan requires that when properties receiving city water are contiguous to city limits they must annex into the City. Staff is presenting these applications as administrative actions, as opposed to an action by each property owner, due to the rationale presented below.

1. Hardship. Most property owners annexing into the City do so because they are compelled to due to the failure of septic tanks or wells and the Health Dept. requirement that they hook up to city utilities when such lines are within 250 feet of the property. The cost of hooking up to City utilities approaches up to $6,000 depending on whether both water and sewer are required. The additional $1,130 for the FLUM amendment and rezoning is an additional burden. Staff has reduced the costs of this legal advertisement

by combining these properties into one ad. The taxes collected from such properties will defray the administrative expense fairly quickly.

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

PROJECT ANALYSIS

Annexation Analysis

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

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. Properties are contiguous to the City limits and then to each other as shown in Figure 1.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it is does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present between the rail line and S. SR 19/Crill Ave, as shown graphically in Figure 2 below.

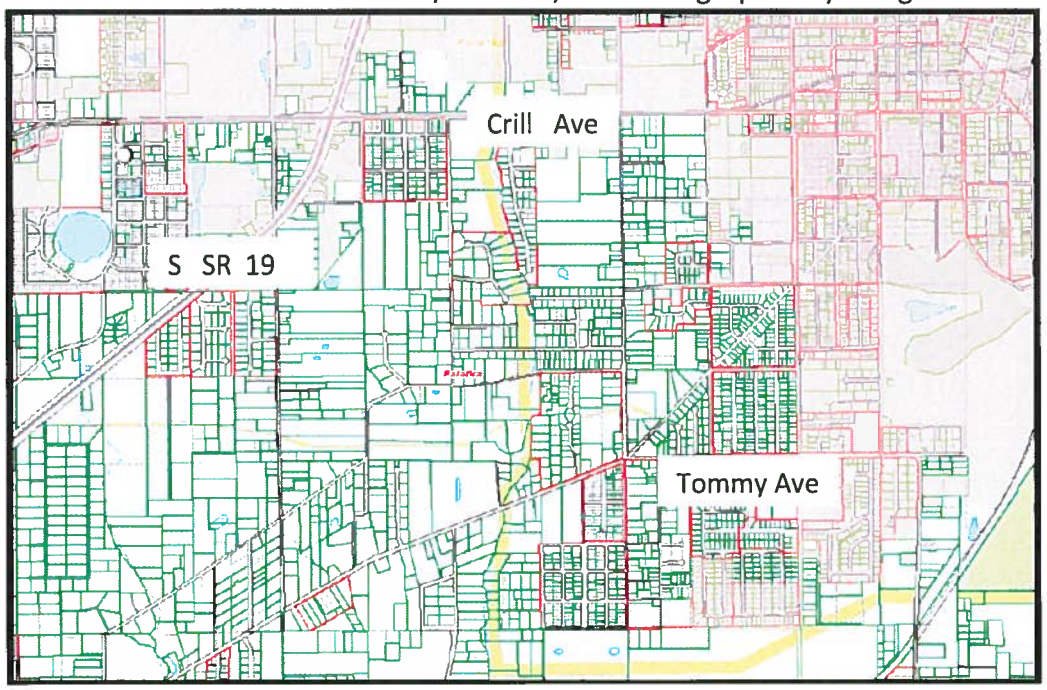


Figure 2: Southwest Palatka Urban Area Enclave (city limits in purple shaded color)

RR Line

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

List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.
The proposed amendments are in keeping with the following objective and policies of the Comprehensive Plan, and do not conflict with other plan elements.

> *Policy A.1.9.3*
> *A. Land Use Districts*
> *1. Residential*
> *Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*
> *Low Density (1730acres) - provides for a range of densities up to 5 units per acre.*
> *Medium Density (231 acres) - provides for a range of densities up to 10 units per acre.*

Staff Comment: the properties are now in the County's Urban Reserve FLUM category (density range of one to four units per acre), which is approximately equivalent to the City's RL (Residential Low Density), which has a density range of one to five units per acre.

Provide analysis of the availability of facilities and services.
Staff Comment: the properties are in close proximity to urban services and infrastructure including city water and sewer lines (both within the Husson Ave. right-of-way).

Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
Staff Comment: The properties are in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, nor of any natural or historic resources on these developed sites.

Provide analysis of the minimum amount of land needed as determined by the local government.
Staff Comment: not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

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

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*

- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

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

Rezoning Analysis

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

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

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

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

b. The existing land use pattern.

Staff Comment: The properties are located in established residential neighborhoods.

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

Staff Comment: Rezoning the properties to R-1A provides uniformity to both existing City and County single-family zoning and does not create an isolated zoning district.

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

Staff Comment: Roadway capacity is available on area roadways and the impacts of these uses on road and utility capacity will be negligible, particularly since the uses are already present.

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

Staff Comment: See response to c. above.

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

Staff Comment: One condition that has changed in regard to these properties is the failure or obsolescence of private wells and the ability to tie into a city water line.

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

Staff Comment: Rezoning the properties to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Staff Comment: the properties proposed for rezoning are already developed and thus traffic congestion or public safety will not be affected.

i. Whether the proposed change will create a drainage problem.
Staff Comment: all development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for these already-existing uses.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Staff Comment: The already-developed properties do not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

k. Whether the proposed change will adversely affect property values in the adjacent area.
Staff Comment: see response to g. above.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
Staff Comment: based on the previous responses, the changes will not negatively affect the development of adjacent properties.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
Staff Comment: providing a FLUM and zoning designations to properties that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
Staff Comment: Not applicable as the City commercial land use and zoning will be similar as the current County classifications.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Staff Comment: the properties are not out of scale with the neighborhood and City.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
Staff Comment: not applicable.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.
Staff Comment: not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for 2406, 2408, and 2412 Tommy Avenue and 2419 Leigh Street.

Case 12-59
Request for a Conditional Use for Child Care Facility
625 S. SR 19

STAFF REPORT

DATE: November 27, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

The application is a request for a conditional use for a child care facility. Required public notice was met, including legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

The facility is located on the east side of S. SR 19, just north of Crill Ave. (see Figure 1 below). The table on the following page shows Future Land Use Map, zoning, and actual use of the site and surrounding properties.

Figure 1: Property Location - building proposed for child care center at top, Lee and Cates building in the middle left, and Walgreen's Drugstore at lower left

Figure 4: Proposed play area (within "L" of building) and additional parking

Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.

PROJECT ANALYSIS

Criteria for consideration include the following (italicized) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.
The application is not in conflict with applicable elements of the Comprehensive Plan.

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.
Vehicle access for the center is by a two-way driveway from S. SR 19 and also a one-way driveway from Walgreens extending through the Lee and Cates property. Pedestrian access is provided through the sidewalk along SR 19. There is adequate vehicle and pedestrian access to the use.

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.
Proposed parking would be on the Lee and Cates property, as this parcel has very little area where parking can be provided, although there is an existing handicapped parking space and another parking space immediately west of and in front of the building. The Zoning Code (Section 94-261(e) allows for off-site parking that is within 600 feet of the use with an off-site parking agreement required between the owners of the use, owners of the property on which the parking will take place, the proposed use (child care facility), and the use for which the parking is designated (Lee and Cates). However the Lee and Cates use can only provide parking that is in excess of their own required minimum parking. The Lee and Cates use requires 12 parking spaces, based on the building size of 2,400 square feet (based on one space per 200 square feet for general business, commercial, or personal service establishments). While the Lee and Cates parking spaces are not striped, the

The property was developed prior to adoption of the City's landscape ordinance, and there are no landscape areas on the property. Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Conditional use applicants in the past have not been required to conform to certain landscape code requirements until such time that the regulations have been revised. There are two applicable landscape code sections triggered by this action: Zoning Code Section 94-304 (rear and side yards) and 94-305 (street buffer). 94-304 requires a "A" type buffer with the following options.

Table 2: "A" Buffer Planting Standards

	Option 1	Option 2
Buffer Width	5 feet	10 feet
Canopy Trees per 100 linear feet	0	0
Understory Trees per 100 linear feet	0	2
Shrubs per 100 linear feet	20	15
Total Shrubs Required	108	90
Six-foot tall fence required	Yes	No

Staff does not recommend that this buffer be installed, as the provision of a hedge or a fence along the side and rear property lines does not seem to serve a useful purpose. Staff anticipates that the landscape code revisions that would be retroactively applicable to this project would involve tree planting within the interior of the site, particularly along the right-of-way. However Staff does recommend that two shade trees be planted in a manner that shades the outdoor play area to provide for comfort of children, and understanding that smaller trees will not provide shade for quite some time it is recommended that these trees be a minimum of four-inch caliper at the time of planting. As an alternative to this the applicant can provide a shade structure such as an open air canopy for the play area.

The other required buffer is along the street frontage buffer, which would be required along S. SR 19 as shown below. There is sufficient planting space for the buffer, and staff recommends that the applicant comply with this requirement. Staff recommends the use of Option 1, with two canopy trees and 28 shrubs (planted to form a hedge). This landscape area is currently unkempt and the grass is dead, and Staff recommends that the buffer be replanted and maintained in a healthy fashion with grass or groundcover as required by code.

Table 2: Applicable Street Frontage Buffer Planting Standards

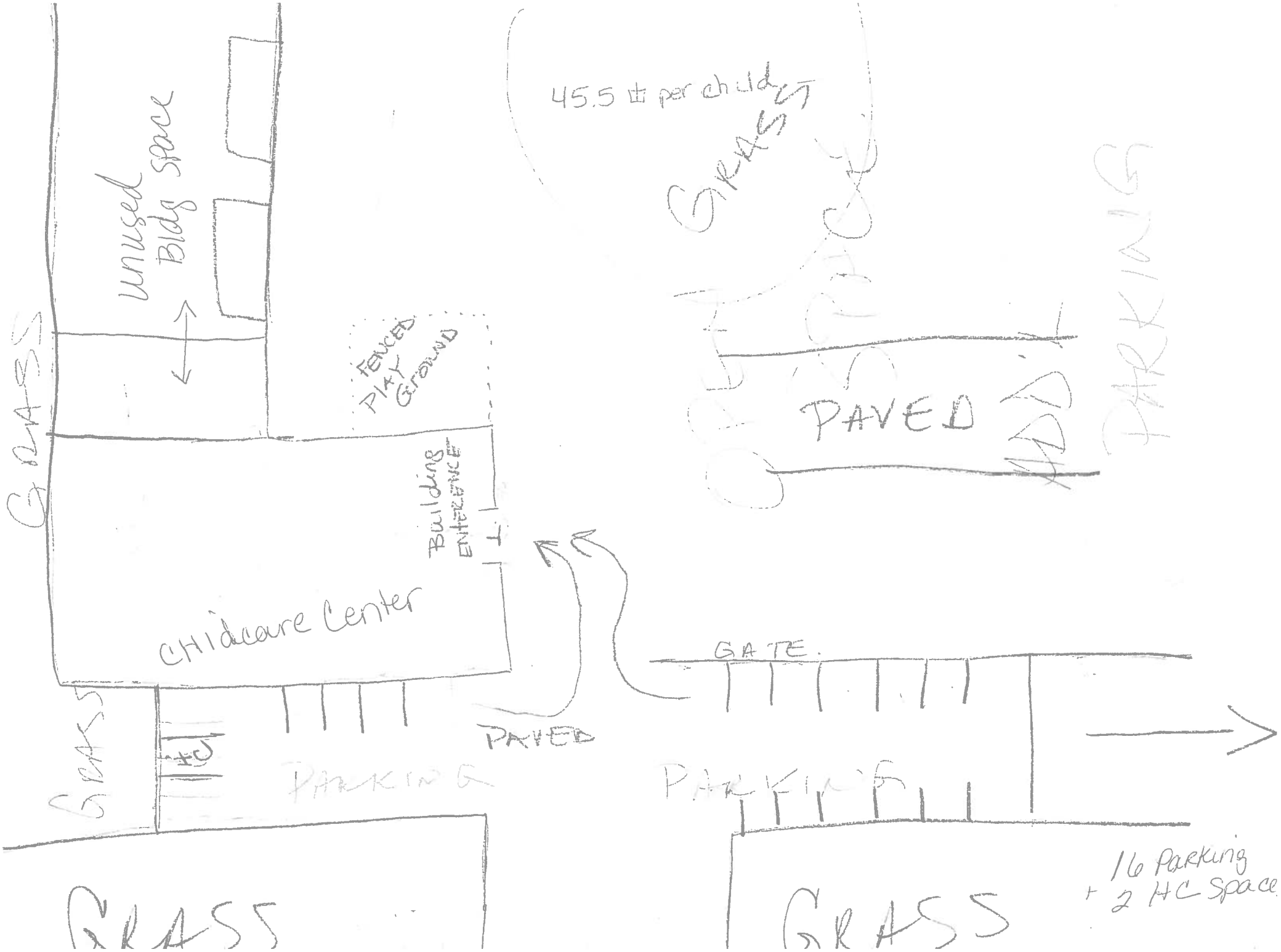
	Option 1	Option 2
Street Frontage Buffer Width	5 feet	8 feet
Total Frontage	92 feet (approx.)	
Canopy Trees per 100 linear feet	2	1
Total Canopy Trees Required	2	1
Shrubs per 100 linear feet	30	25
Total Shrubs Required	28	23

Terminal landscape islands are required at the end of parking rows with shade trees planted within them.

Finally, the chain link fence with razor wire presents an unattractive and blighted appearance. Staff recommends that within one year of issuance of a certificate of occupancy the fence be removed or replaced

3. The first adjacent three spaces to the building shall be utilized for drop-off and pick-up and shall be designated as such by small directional signs. An additional small directional sign will prohibit the blocking of the driveway.
4. Within six months of issuance of a certificate of occupancy the existing chain link fence shall be removed or replaced with a picket fence, preferably of aluminum material, but with wood as an acceptable material if it is maintained.
5. A roadway buffer is required along SR 19 with two canopy trees and 28 shrubs (planted to form a hedge).
6. The roadway buffer area shall be replanted and maintained in a healthy fashion with grass or groundcover.
7. Two four-inch caliper shade trees are required in order to eventually shade the outdoor play area. As an alternative a shade structure such as an open air canopy may be used to shade this area.
8. Within one year of issuance of certificate of occupancy, terminal landscape islands are required at the end of parking rows with shade trees planted within them.
9. The outdoor play area shall be a grassy area, or an area with mulch or some other forgiving surface for the safety of children.
10. Additional landscaping may be required at the time of landscape code revision.
11. A dumpster or trash cans must be screened in accordance with Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening on three sides).
12. Any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
13. Signs must conform to the sign code, including the requirement that a freestanding pole sign be landscaped at its base.
14. The applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use.
15. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: MAP
APPLICANT'S SKETCH PLAN & JUSTIFICATION


45.5 ft per child
GRAVEL
PAVED
PARKING
GRASS
Unused Bldg space
FENCED PLAY Ground
Building ENTRENCE
Childcare Center
GRASS
HC
PARKING
PAVED
GATE
PARKING
GRASS
16 Parking + 2 HC Space

Dear Board Members 11/8/12

I am an existing child care center provider located at 1700 Kind St.

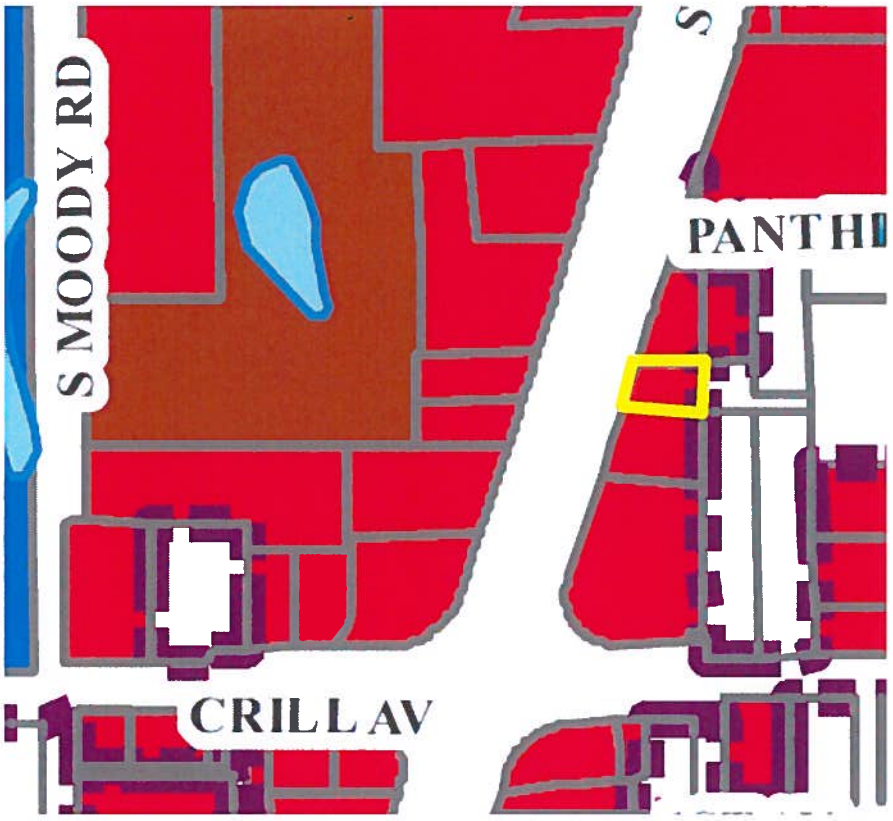
I currently have 43 children enrolled and hope to expand to 80 students/children, the new facility is 9000sf. and would help me realize my goal for expansion.

The proposed location is located at 625 S. Hwy 19.

Please consider my application

Thank You.

FUTURE LAND USE MAP



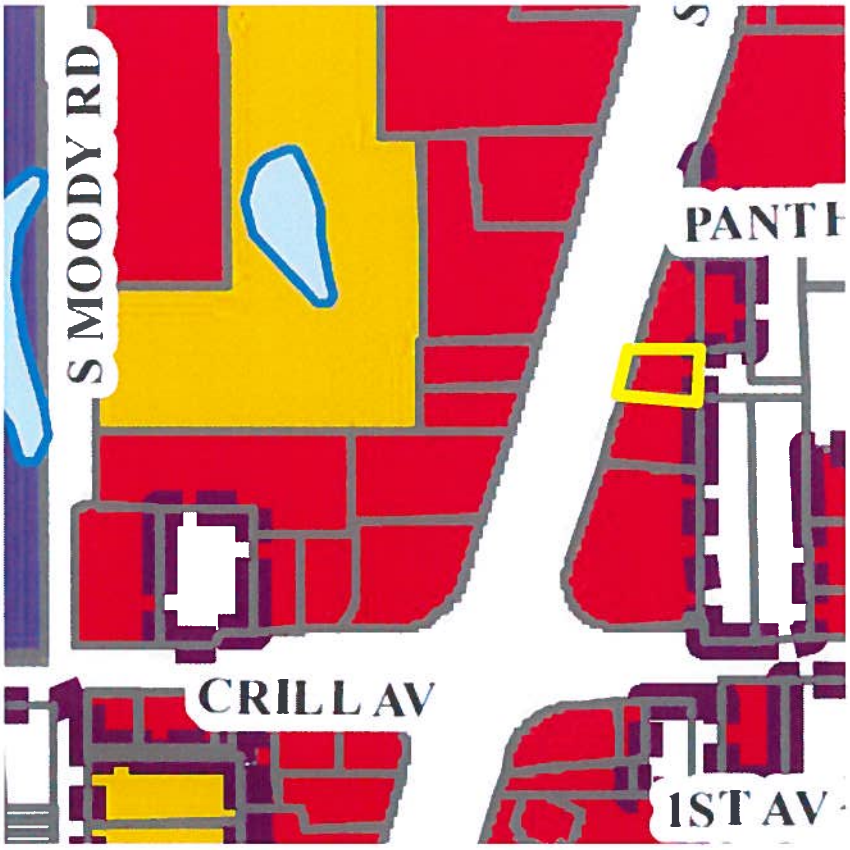
RL

RH

COM

er

ZONING MAP



R-3

C-1

C-1

Case 12-60
Request to Amend Zoning Code
(Accessory Uses in Downtown Zoning Districts)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: November 26, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

An administrative request to amend the Zoning Code to provide for additional accessory uses in the DB (Downtown Business) and DR (Downtown Riverfront) zoning districts. Public notice included legal advertisement.

APPLICATION BACKGROUND

Staff is proposing this Zoning Code revision to expand the list of accessory uses in the downtown zoning districts to allow for certain appropriate uses and activities that are currently prohibited. Sections 94-161(c) and 94-161(c) regulate accessory structures in the downtown zoning districts and reads as follows:

> *Permitted accessory uses, activities, and structures. Permitted accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted accessory uses, activities, and structures are as follows:*
>
> *(1) Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.*
> *(2) Boat repair and sales as an integral part of a marina.*
> *(3) Laundry facilities as an integral part of a hotel or marina.*
> *(4) Outside sale and display of goods at city approved functions and events.*
> *(5) Warehousing and/or storage completely enclosed within the principal building.*

In addition to these accessory uses and activities, Sections 94-161(e) and 94-161(e) allow <u>only</u> for the following accessory uses.

(1) Child care facilities.
(2) Drive-through facilities.
(3) Making of goods for sale at retail on the premises.
(4) Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.

(5) Owner or employee occupied residence located on the first floor and accessible through a rear entrance or through the main entrance of the permitted principal use as a conditional accessory use only.
(6) Wall graphics.

It should be noted that in other nonresidential zoning districts, accessory uses are allowed upon the administrative interpretation that such uses:

a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
c. Do not involve operations or structures not in keeping with the character of the district.

This provides Staff with flexibility to allow accessory uses based on accepted planning principles and practice. For example, a retail business is allowed the accessory use of storage to maintain an inventory of goods on the premises, and a church is allowed the accessory uses of classrooms and fellowship halls. The key to ensuring that these activities are accessory in nature is that they are customarily associated with and clearly subordinate to the principal use, as the examples above demonstrate.

Staff believes that these two different methods of determining accessory uses is inequitable and sets a higher standard for downtown businesses. Staff recommends allowing certain additional appropriate accessory conditional uses and adding language that allows Staff the ability to approve other accessory uses and activities that are clearly customary and subordinate.

Staff recommends adding the following accessory uses to both downtown zoning districts.

- *Meeting space and limited retail sales as an accessory use to hotels (currently prohibited).*

Staff comment: it is a common practice for hotels to use meeting rooms for civic groups, training, professional organization meetings, and similar activities. This would allow for a small internal gift or convenience store intended for hotel guests, but would not include retail activities such as gold sales (popular at hotels in other communities) as this would undercut local businesses and is not in keeping with the ordinary hotel activities.

- *Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained (currently allowed only as a conditional accessory use).*

Staff comment: this is another common practice associated with downtown restaurants, and as long as the required sidewalk is maintained there is no point in requiring the burden of public hearing and reviews for such an activity.

- *Making of goods for sale at retail on the premises (currently allowed as conditional accessory use), with no odor, fumes, or other emissions detectable to normal senses from off the premises.*
- *Manufacturing, fabrication, and assembly activities (currently allowed as conditional accessory use), associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises.*

Staff comment: allowing such activities would encourage art galleries where artists could both craft artwork and sell it on-site, while not allowing industrial side-effects.

- *Other uses that in the opinion of the Planning Director are customarily accessory and clearly incidental and subordinate to permitted or permissible uses, are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district (if not approved by Staff, such uses may be considered as conditional accessory uses).*

Staff comment: as stated previously, this standard would allow staff to administratively approve appropriate accessory uses that were not anticipated in the approved list, and allow the Board to consider such uses through the conditional accessory use process when Staff approval is not provided.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would encourage complimentary uses and additional businesses downtown that are currently prohibited.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends the following revisions to the off-street parking and loading standards pertaining to required paving, with excerpts from the Zoning Code shown in italics with new language in underlined text.

Section 94-161 & 94-162 – DOWNTOWN BUSINESS & DOWNTOWN RIVERFRONT ZONING DISTRICTS

(a): no change

(b) no change

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

(1) Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.

(2) Boat repair and sales as an integral part of a marina.

(3) Laundry facilities as an integral part of a hotel or marina.

(4) Outside sale and display of goods at city approved functions and events.

(5) Warehousing and/or storage completely enclosed within the principal building.

(6) Meeting space and limited retail sales as an accessory use to hotels.

(7) Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.

(8) Making of goods for sale at retail on the premises, with no odor, fumes, or other emissions detectable to normal senses from off the premises.

(9) Manufacturing, fabrication, and assembly activities associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises.

(10) Other uses that in the written opinion of the Planning Director are customarily accessory and clearly incidental and subordinate to permitted or permissible uses, are located on the same premises as the permitted or permissible use or structure, and do not involve operations not

in keeping with the character of the district (if not approved by Staff, such uses may be considered as conditional accessory uses).

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

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

(e) through (i) no change

Case 12-62
Request to Amend Zoning Code
(Educational/Interpretative Signs in Historic Districts)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: November 26, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

An administrative request to amend the Zoning Code to allow Educational/Interpretative signs in the HD (historic district) zoning district. Public notice included legal advertisement.

APPLICATION BACKGROUND

Educational/interpretative signs are defined in the Sign Code as follows:

> *Educational/Interpretative means a public sign located within parks or within city right-of-way that is meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka, St. Johns River, Putnam County, and the State of Florida. Educational/interpretative signs are allowed only in downtown zoning districts and in the Recreation and Open Space zoning district. Educational/interpretative signs are designed for pedestrian viewing and shall be oriented at an angle that is between 45 and 60 degrees, with sign area not to exceed 20 square feet.*

The North and South Historic Neighborhood Community Redevelopment Areas are seeking to erect neighborhood gateway kiosks signs. These signs fit into the Educational/Interpretative sign category, and as noted above are currently only allowed in the downtown and Recreation and Open Space zoning districts. The South Historic District kiosk sign is proposed for the northwest corner of River and Laurel Streets, and the North Historic District sign is proposed for the northeast corner of N. 3rd and Main Streets. The first location is allowable for the kiosk sign, as it is within the Downtown Riverfront zoning district, but the second is not within any of the three allowable zoning districts. Staff supports amending the Sign Code to allow these sign types in the Historic District zoning classification, which is an overlay zoning category. The educational and interpretative function of such signs is in keeping with the heritage preservation and education aspects of the City's historic districts.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in <u>underlined text</u> (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would allow for attractive and human-scale signage that showcases and celebrates the City's heritage.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the objective and policy listed below, the amendment is in line with stated purposes of historic preservation awareness and education which can be furthered by the use of these types of signs.

FUTURE LAND USE ELEMENT

Objective A.1.5 *9J-5.006(3)(b)4; F.S. 187.201(16)(a)(b)5*

Upon Plan adoption, The City, through implementing the following policies, shall increase public awareness of the historical significance of the City and provide incentives to maintain and restore historically significant areas and structures within the City limits.

Policy A.1.5.5

The City shall support public activities which disseminate information regarding the historic significance of the City of Palatka and its historic sites.

STAFF RECOMMENDATION

Staff recommends the following revisions to the off-street parking and loading standards pertaining to required paving, with excerpts from the Zoning Code shown in italics with new language in underlined text.

Sign Code Section 62-1– DEFINITIONS

Educational/Interpretative means a public sign located within parks or within city right-of-way that is meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka, St. Johns River, Putnam County, and the State of Florida. Educational/interpretative signs are allowed only in downtown zoning districts, historic districts, and in the Recreation and Open Space zoning district. Educational/interpretative signs are designed for pedestrian viewing and shall be oriented at an angle that is between 45 and 60 degrees, with sign area not to exceed 20 square feet.

Zoning Code Section 94-156– PERMITTED SIGNS

(e) Permitted signs. Directional signs, ground signs, educational/interpretative signs, and wall signs.