

CITY OF PALATKA PLANNING BOARD AGENDA

January 3, 2011

1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the December 6, 2011 meeting.
4. Appeal procedures and ex parte communication.
5. **NEW BUSINESS**

Case 11-51 Request for a conditional use for indoor recreation facility, in a C-2 (Intensive Commercial) zoning district.

Location: 333 N. State Rd 19.
Owner: F & H Properties, LP
Applicant: Crystal A Rodriguez

Case 11-53 Request for a conditional use for an establishment serving alcohol to be located within 300 feet of a church, in a DB (Downtown Business) zoning district.

Location: 409 St. Johns Ave.
Owner: Schiano Family Trust
Applicant: Luiz C. Janko

Case 11-54 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to add policies pertaining to the protection of the municipal airport from incompatible uses.

Case 11-41 Administrative request for text amendment to the Sign Code and Zoning Code to clarify allowable location for specific sign types.

6. 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.

Case 11-51
Request for a Conditional Use for Indoor Recreation Facility
333 N. State Road 19
Applicant: Crystal Rodriguez

STAFF REPORT

DATE: December 27, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP
 Planning Director

APPLICATION REQUEST

Conditional Use allowing an indoor recreation facility in a C-2 (Intensive Commercial) zoning district. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

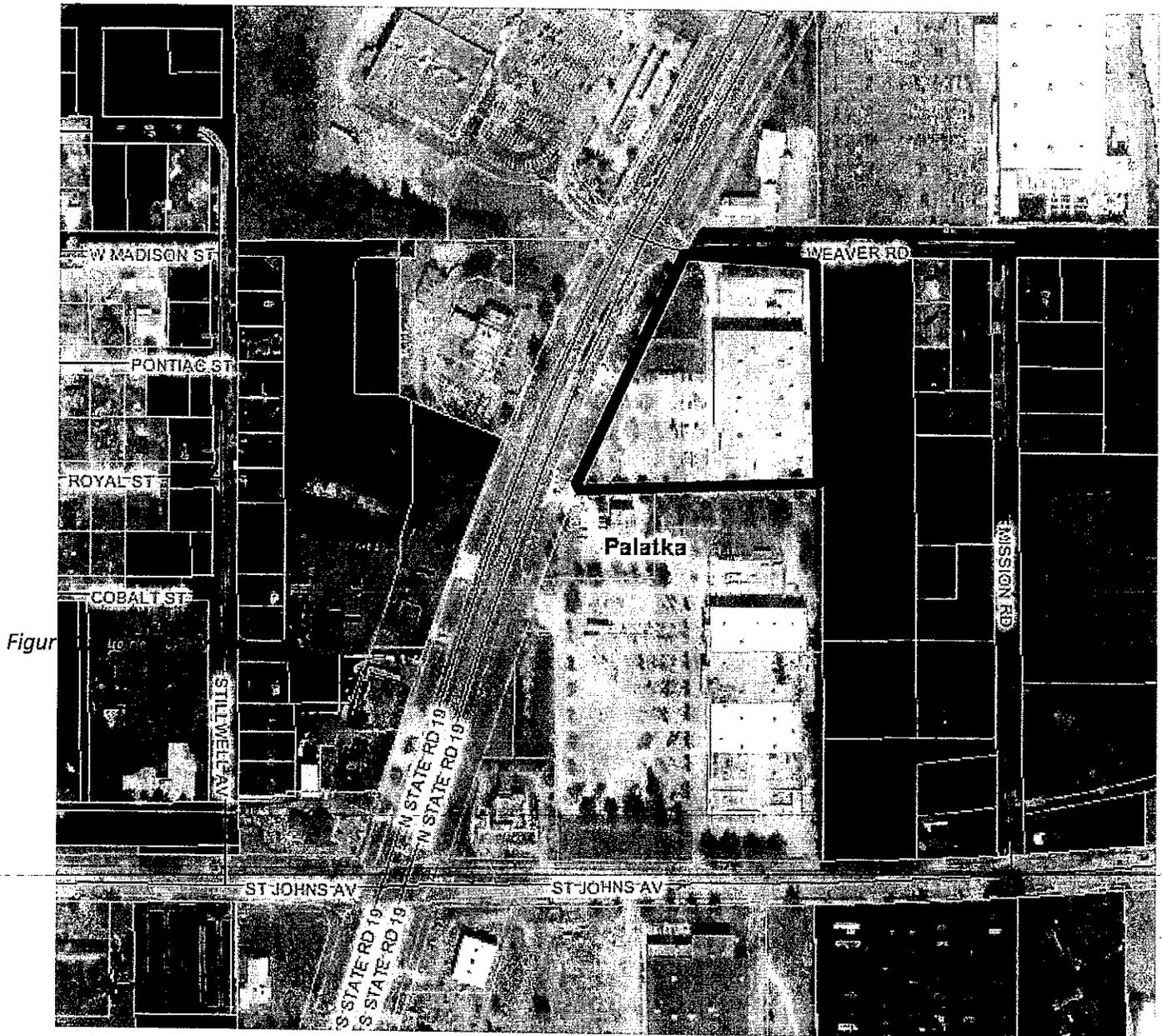
The C-2 zoning district allows indoor commercial recreational facilities “such as motion picture theaters, billiard parlors, swimming pools, bowling alleys and similar uses, provided such uses shall be in soundproof buildings.”

PROJECT ANALYSIS

As shown in the map on the next page, the property includes an existing building with two units. The application is for the northern unit, formerly a Scotty’s home improvement store. The southern unit is currently occupied by a Staples office supply store. The parking area for both uses is located in the southwest quadrant of the property, with a stormwater detention and landscape area in the northwest quadrant. The building includes an approximately 22,000 square foot outdoor fenced in area on its northern end, which was the old Scotty’s garden center. The table below and accompanying maps show site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Properties Land Use

	Actual Use	Future Land Use Map	Zoning
Site	Vacant store, office supply store	COM (Commercial)	C-2 (Intensive Commercial)
North (across Weaver Rd.)	Church	COM (Commercial)	C-2 (Intensive Commercial)
East	Undeveloped parcel	Putnam Co. US (Urban Services)	R-1A (Single-family Residential)
South	Restaurant, small shopping center	COM (Commercial)	C-2 (Intensive Commercial)
West (across N SR 19)	Bank	COM (Commercial)	C-2 (Intensive Commercial)



Figure

Figure 1: Site Location

Criteria for consideration include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest. While the Applicant has submitted a less-than detailed site plan, the lack of a formal site plan at this point does not present as much of a problem as would be in the case of a new development, since there are no changes proposed to the previously existing development including parking area, building, and signs.

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.

Vehicular Access.

The property has two vehicle access points: one to the west to N. State Road 19, and the other to the north to Weaver Road. The State Road 19 access is right-out, right-in due to a striped median in the roadway. The Weaver Road access allows for all turning movements from the road and the driveway.

Pedestrian Safety

There is an existing sidewalk along N. State Road 19 adjacent to this property, which continues to the north and the south. Weaver Road does not have a sidewalk. Other than the sidewalk in front of the building, there are no other sidewalks on the property. The property is reasonably safe in regard to pedestrian movement and access.

Traffic Flow

The organized access points and landscape islands effectively direct traffic and thus improve auto safety within the parking area.

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.

While parking requirements are determined at the time of a certificate of occupancy, Staff has done a preliminary parking assessment that indicates a probable parking shortage. Zoning Code Section 94-262(6) requires that one parking space be provided for every 200 square feet of non-storage floor area, which when applied to the Staples square footage of 21,684 calls for 108 parking spaces. Staff visited the site and counted spaces and there are actually 137 striped parking spaces, which when the required Staples is factored in leaves 29 spaces for the proposed use. Zoning Code Section 94-262 allows for parking requirements to be determined by the Planning Board when such uses are not specifically listed, which is the case with this use. As demonstrated in the attached worksheet, other Florida jurisdictions use a variety of standards for the use, which is typically classified as an arcade or a gameroom. These standards range from the typical commercial measure of one parking space per 200 square feet of gross floor area to one per 500 square feet of gross floor area. Orlando and Altamonte Springs use a percentage of occupant load, which requires less parking, and other jurisdictions break out parking using the individual impacts of machines, tables, and employees. Staff supports tying the parking to the specific components of the use and proposes to utilize the following parking standards.

Table 2: Proposed Parking Standards

Parking Spaces		Standard	No.	Required Parking
1	per	Employee (peak time)	5	5
1	per	Machine	18	18
2	per	Billiard or other table	4	8
3	Per	Occupant Load	147	49
Total				80

As noted previously there are 29 parking spaces allotted to the proposed use, which does not meet the above recommended number of 80 required spaces. However Staff has recommended to the Applicant that the now-fenced in area north of the store be converted to parking, as it originally had been intended. This area would provide for an additional 60 spaces and exceed the recommended parking standard by nine spaces.

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

The dumpster in the rear of the store will require screening.

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

The property is appropriately served by utilities.

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

Applicable sections of the City's landscape ordinance include the provision of roadway buffers, a buffer to the rear (residential zoning), and interior parking lot landscaping. The property only partially complies with the City's landscape ordinance, with the following notable deficiencies.

- Rear buffer (adjacent to single-family zoning) - the Code requires several options ranging from a 30-foot wide to a 75-foot wide buffer – the existing buffer, while containing dense vegetation and trees at various points, appears to be around 10 feet in width or less.
- SR 19 roadway buffer does not meet the seven-foot width minimum (buffer width is approximately five feet) and two trees per 100 linear feet standard (requires 11 trees but only 9 are provided), and does not meet the requirement for a continuous hedge.
- Weaver Street roadway buffer - one tree short of the required six trees along that street frontage, and lacking the required continuous hedge.
- Interior landscaping - the six parking lot landscape islands and two terminal islands do not contain shade trees, as required by Code, and the southernmost parking row does not meet the standard of no more than 12 spaces uninterrupted by a landscape island.



Figure 2: SR 19 Landscape Buffer (Weaver St. Landscape Buffer). Note that some buffering is provided, additional trees and hedge plantings would be required to meet Code



Figure 3: Weaver St. Landscape Buffer. Note that some buffering is provided, additional trees and hedge plantings would be required to meet Code

Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Staff is currently revising the landscape ordinance and under the advice of the City Attorney recommends postponing compliance with the landscape code pending the completion of code revisions. As far as this criterion, there are no special circumstances that would require screening and buffering that is beyond what is required by the Landscape Code. Therefore Staff believes that meeting the current code or whatever code changes are applicable will be adequate for the applicability of this criterion to this application.

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.

There are two existing signs for the proposed use as shown in the pictures to the right.

h. Required yards and other open space.

See f. above.

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

The area is a fairly intensive retail commercial area. It should be noted that there is single-family residentially-zoned (undeveloped) property directly to the east, which is in the County. However the parking occurs on the front of the building, and the requirement that indoor recreation be within a soundproof building will mitigate impacts from the commercial use. However it should be noted that there are several appearance and Code-related problems that detract from the surroundings:

- deterioration of the front façade, as noted in the picture below;
- unsightly chain link fence around the area north of the building; and

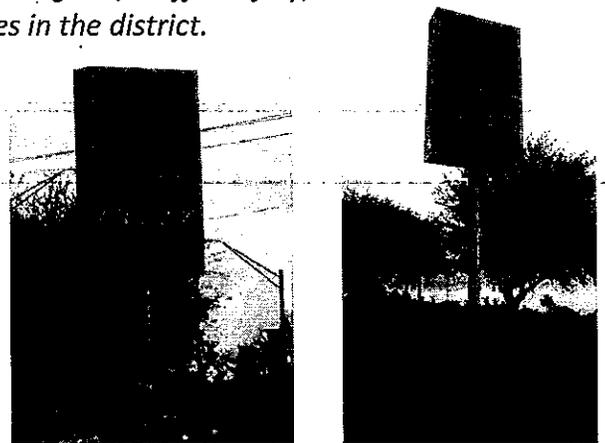


Figure 4: SR 19 sign (left) & Figure 5: (Weaver St. Sign (right))

- untended landscape islands and areas, including unpruned crepe myrtle trees, weed growth, and litter as noted in the picture below.

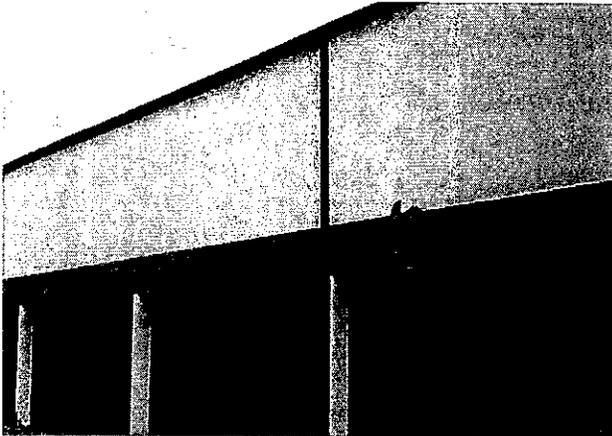


Figure 6: Building deterioration (left) &

Figure 7: Unsightly landscape island (right)

j.

Any special requirements set out in the schedule of district regulations for the particular use involved.
There are no special requirements set forth in the Zoning Code for this type of use.

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

Not applicable.

Impact on Public Interest

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole.

STAFF RECOMMENDATION

As demonstrated in this report, this application generally meets the conditional use criteria. Staff recommends approval with the following conditions.

1. The use shall be limited to an indoor recreation facility including video and similar games; pool tables, air hockey tables, and similar games, and birthday/special event rooms. The extent of these indoor activities shall not exceed the allotted parking.
2. The area north of the building shall be converted to parking, requiring the removal of the chain link fence around it. Spaces shall be striped and landscape islands installed in accordance with the landscape ordinance. Parking spaces shall be provided as set forth in the table on the third page of this report.
3. At the Applicant's choice, the use must comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. Meeting the current Code would require the following:
 - * planting trees and hedges along the rear buffer to create more of an effective visual screen.¹

¹ Staff's has interpreted that buffer widths are nonconforming characteristics of use, and as such do not require widening, as long as the required plantings can fit and be successful within the buffer area.

- * two trees planted within the SR 19 buffer.
- * one tree planted within the Weaver Street buffer.
- * replacement of crepe myrtle trees in landscape islands with shade trees, or at a minimum professional pruning of trees to guide toward tree growth.
- * supplementing hedge along SR 19 and Weaver Street frontage.

A second option for the Applicant would be to defer landscape improvements until after the Landscape Code changes are made, and this would not require Planning Board approval. Staff recommends, as with past applications, that this choice be made by the Applicant.

4. The entire property must be maintained properly, including removal of litter and weeding and mulching of landscape areas.
5. Areas of disrepair on the building exterior must be repaired and repainted to match the rest of the building.
6. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
7. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: APPLICANT NARRATIVE & APPLICANT SKETCH PLANS

Palatka City Justification Statement

The F.U.S.E Zone LLC.

To start out thank you for considering us in helping out the county and local community by providing good, clean, safe, educational entertainment and keeping the kids off the streets by giving not only them but their parents and grandparents something to enjoy together.

We are opening a Family Entertainment Center which to start out will include small portion of what the future holds. Here is a list of games/equipment that we currently own and our setting up.

1. Boxing Machine
2. Nascar Simulator's time 4 of them
3. We will be starting out with 5 employees
4. 2 Pool tables
5. 2 Air-Hockey tables
6. 1. Playstation3 center
7. 1 X-Box Center
8. 1 Wii Center

9. 10 Stand up Arcade games like pacman

We do have two rooms designated for V.I.P Birthdays or Graduation or just if you want to rent them out.

To start out we are going to be open from:

8 A.M. to Midnight

Friday, Saturday, and Sunday only.

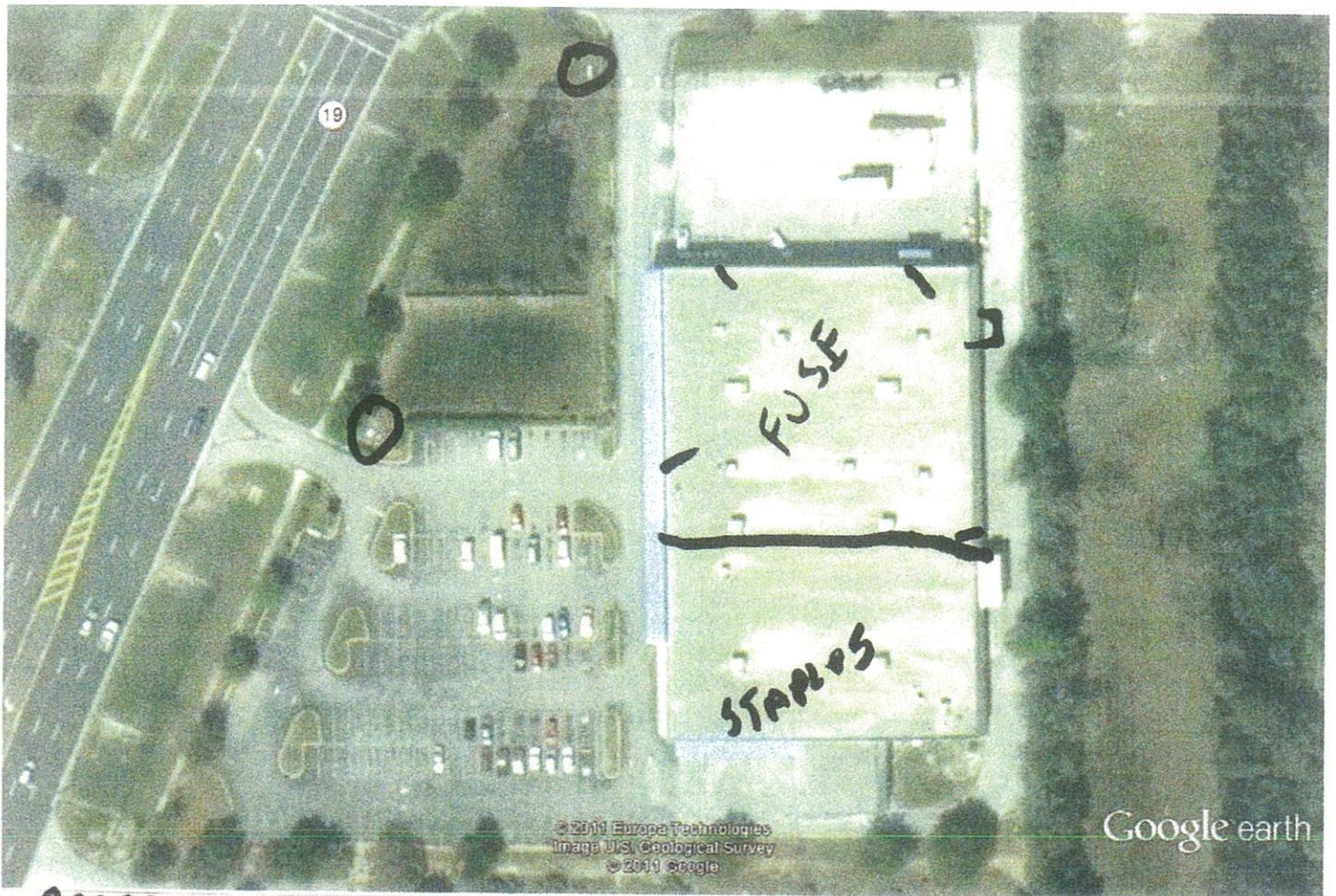
We currently do not have any fixed seats .

Our Capacity at 26,000 sq ft and at Fire Marshall's 15sq ft per person rule = 1,600 persons

Parking currently has 152 spots 110 for The Fuse Zone

Trash will be in code with being fenced in all around in the back of the facility.

In closing thank you and can not wait to open and bring some great stress reliever's to this down economy that we currently are in.

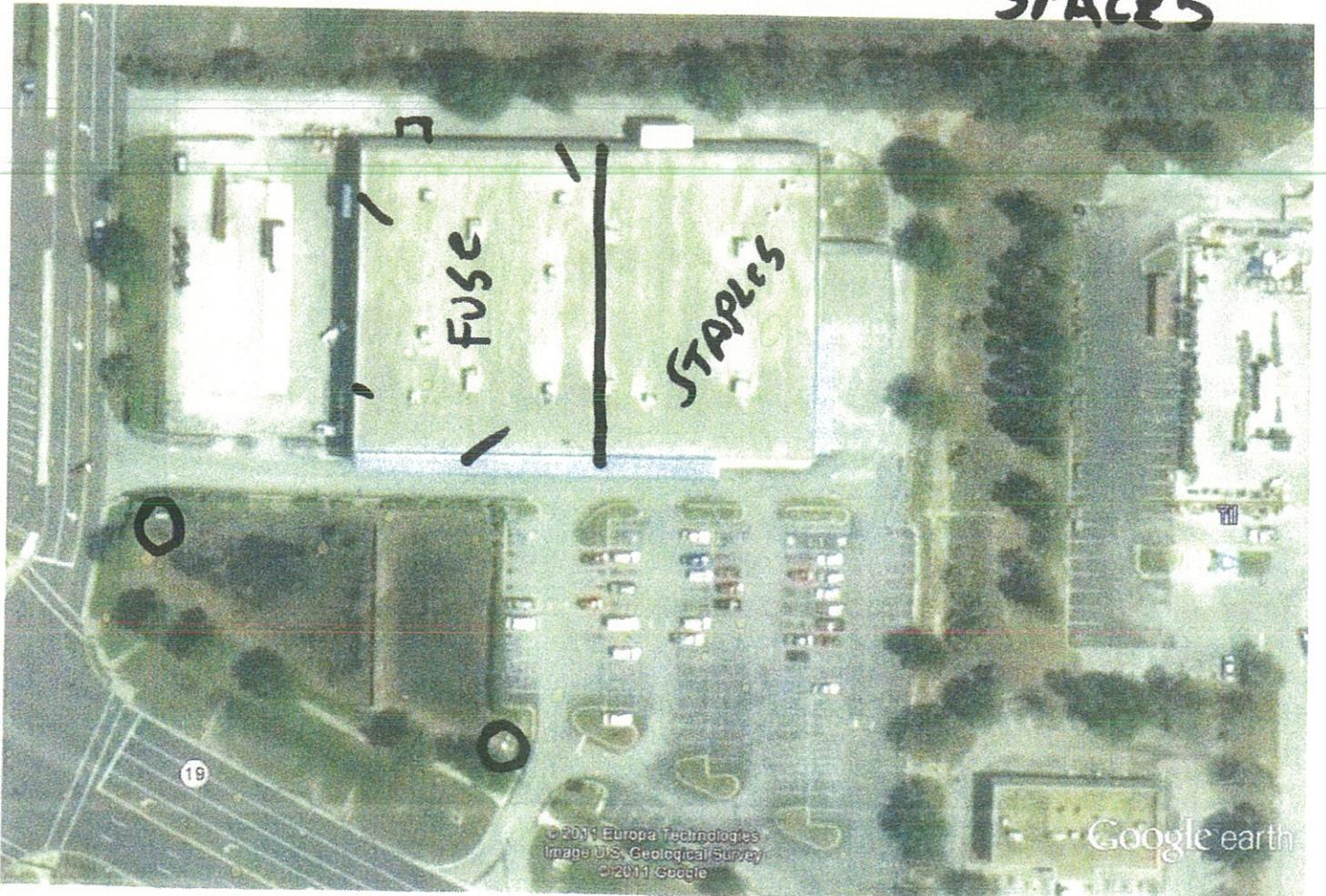


- DOORS

O = SIGNS

⌏ = TRASH

110 PARKING SPACES



**PARKING CALCULATIONS FOR PROPOSED ARCADE
333 N STATE ROAD 19**

City	Pkng Spaces	SF	of	Pkng Req. for Palatka Arcade by SF	Grand total
Orlando	1	Per	7 of Occupant Load	21	21
Altamonte Springs	1	Per	3 of Occupant Load	49	49
Apopka	1	Per	Employee (peak time)	5	5
Apopka	1	Per	3 Seats OR Per 3 Occupant Load		
Tallahassee	1	200	Gross Floor Area	147	147
Ft. Myers	1	200	Gross Floor Area	147	147
Port Orange	1	200	Gross Floor Area	147	147
Lady Lake	1	200	Gross Floor Area	147	147
Deland	1	200	Net Floor Area (excl. halls, restrooms, etc.)	147	147
Ft. Myers	1	200	Gross Floor Area	147	147
Daytona Beach	1	250	Gross Floor Area	117	117
Destin	1	250	Gross Floor Area	117	117
Miami Gardens	1	250	Gross Floor Area	117	117
West Palm Beach	1	250	Gross Floor Area	117	117
Eustis	1	500	Gross Floor Area	59	59
Marathon	1	500	Gross Floor Area	59	59
Dunedin	1	Per	Game table or video game		
				22	40
Dunedlin	1	Per	Mini-golf hole	18	
Margate	1	Per	Machine station	22	27
Margate	1	Per	Employee (peak time)	5	
Palm Beach Gardens	1	Per	4 machines/tables	6	6
Ocala	1	per	2 machines	9	16
Ocala	2	per	Billiard table	4	
Ocala	1	Per	3 seats		
Ocala	1	Per	2 employees	3	

Occupant load

147

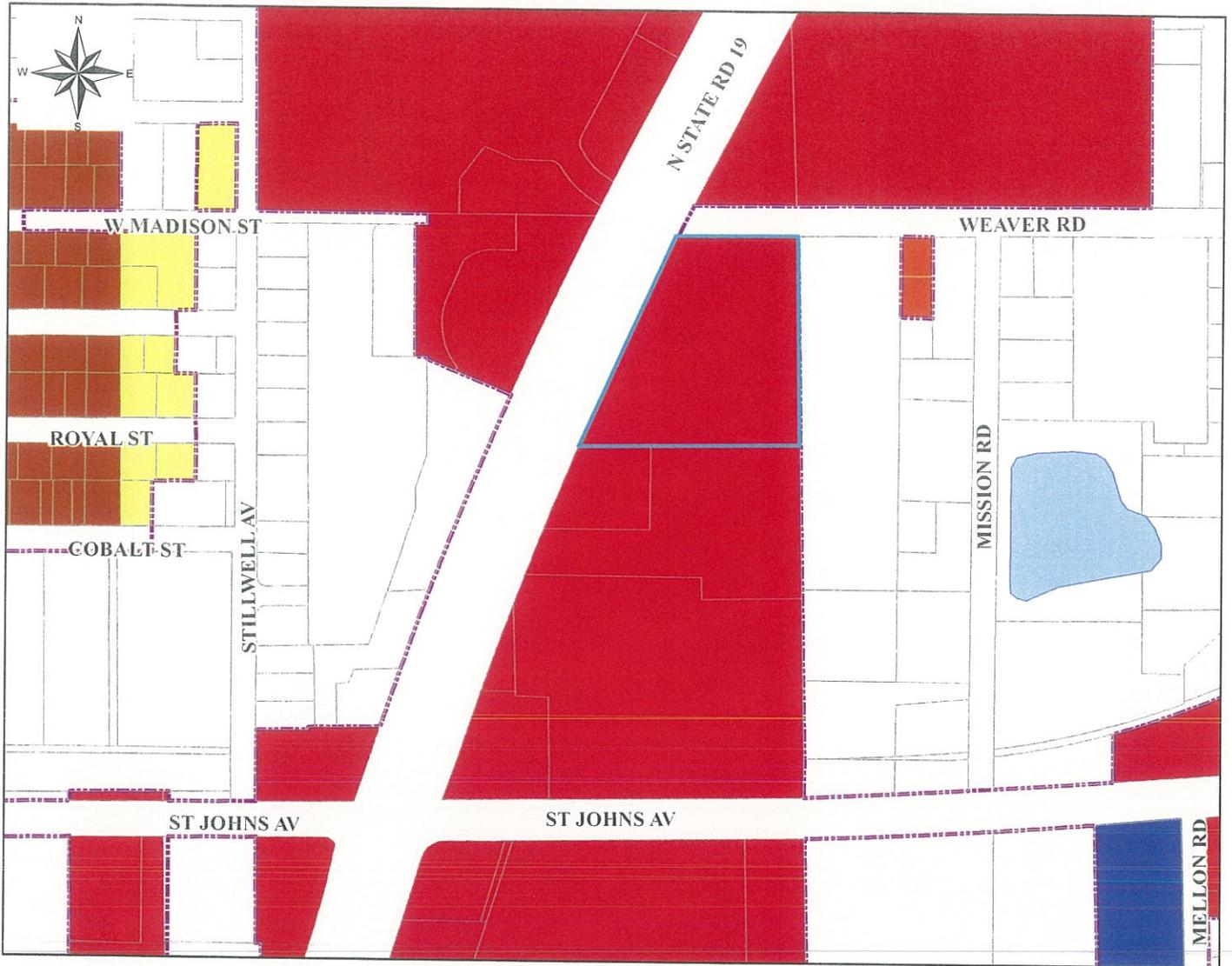
29,324 (Net SF)

FUSE Equipment	
Pool Tables	2
Air Hockey Tables	2
Total Tables	4
Boxing Machine	1
Nascar Simulator	4
Playstation Center	1
Xbox Center	1
Wii Center	1
Standup Arcade Games	10
Total Machines	18
Employees	5
Event Rooms Seating OR (below)	
Event Rooms SF OR (above)	

Recommended Parking Requirements			Req. Pkng.
Employee (peak time)	1	per	5
Machines	1	per	18
Billiard or other table	2	per	8
Occupant Load	3	Per	49
Total Required Parking			80

Existing Striped Parking	137
Required Staples Pkng	108
Available Parking	29
Potential New Parking	
N. of building	60
S. of Staples	14
Building Rear (paralell)	10
Adjusted Avail. Parking	113

333 N State Rd 19 FLUM



Legend

-  City Limit
-  Parcels
-  Rivers, Lakes

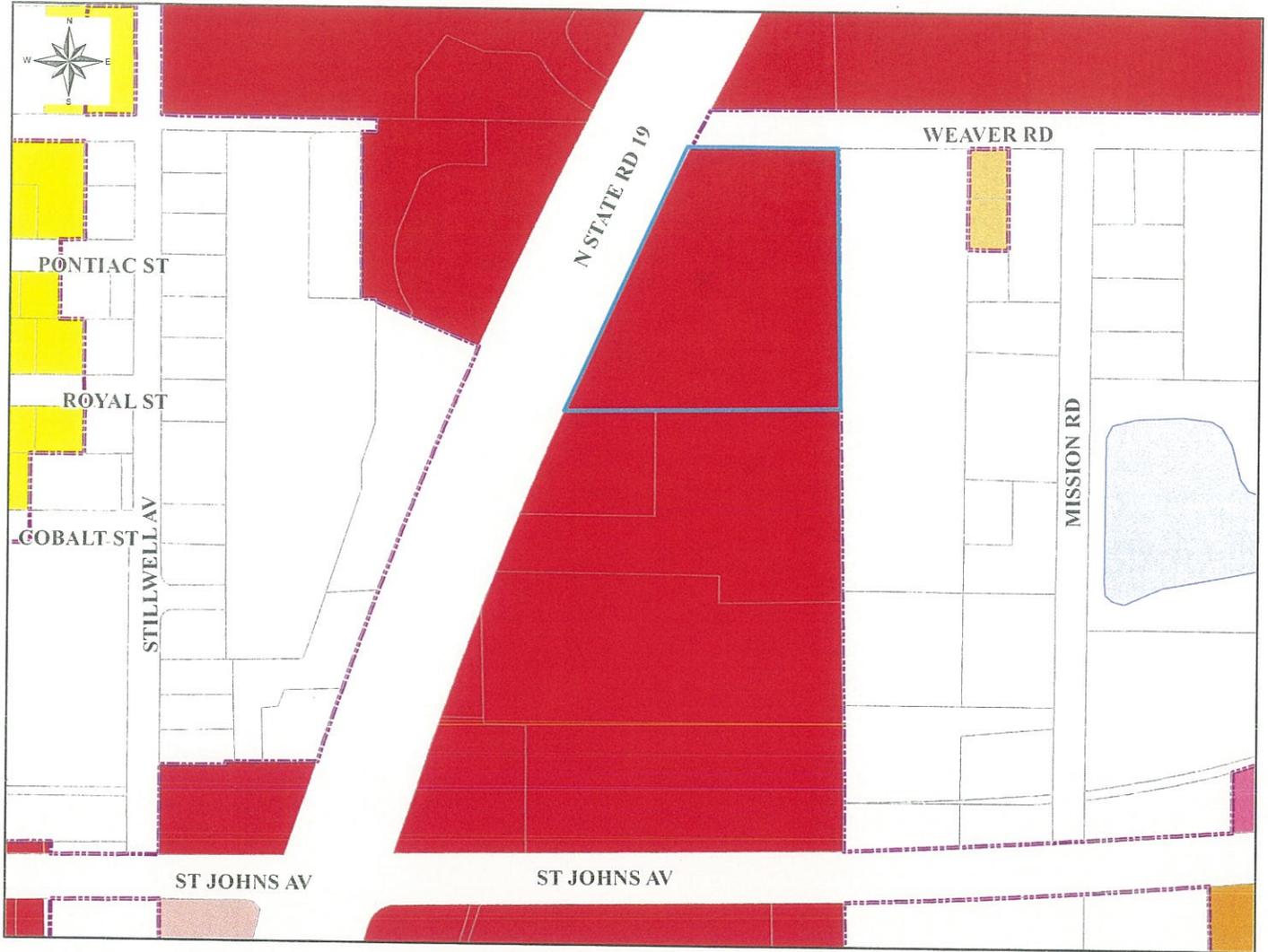
Palatka FLUM

-  Commercial
-  Public Building
-  High Density Residential
-  Low Density Residential
-  Medium Density Residential

Site(s)
333 N State Rd 19

Current FLUM
COM (Commercial)

333 N State Rd 19 Zoning



Legend

-  City Limit
-  Parcels
-  Rivers, Lakes

Palatka Zoning

-  General Commercial
-  Neighborhood Commercial
-  Intensive Commercial
-  Single Family Residential
-  Two Family Residential
-  Multi-Family Residential

Site(s)
333 N State Rd 19

Current Zoning
C-2 (Intensive Commercial)

Case 11-53
Request for a Conditional Use for Establishment Serving Alcohol
within 300 feet of a Church
409 St. Johns Ave.
Applicant: Luz Janko

STAFF REPORT

DATE: December 27, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet a church. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

This request is associated with an existing Italian restaurant. The owner wishes to serve wine and beer. The applicant provided information supporting this request, attached with this report.

Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol and churches. The required license in this case is from the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

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.

The table below shows site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Land Uses

	Actual Use	Future Land Use Map	Zoning
Site	Restaurant	COM (Commercial)	DB (Downtown Business)
North (across St. Johns Ave.)	County Courthouse	COM (Commercial)	DB (Downtown Business)
East	Office (Title Co.)	COM (Commercial)	DB (Downtown Business)
South	Parking lot	COM (Commercial)	DB (Downtown Business)
West	Medical (Laser Treatment Center)	COM (Commercial)	DB (Downtown Business)



Figure 1: Project Site



Figure 2: Building from St. Johns Ave.

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 restaurant is by St. Johns Avenue, which includes a wide sidewalk on both sides of the street. There is good 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.

Adequate and accessible parking is provided by public parking in the form of parallel parking spaces adjoining the property along St. Johns Avenue and other nearby cross-streets. There are no nearby residential uses to adversely affect.

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

The applicant uses two wheeled garbage carts, as shown below. No screening is provided. The rear of this and other stores directly face an adjacent residence, which is the home of the St. Monica Catholic Church priest. Staff recommends that this use provide screening for the carts in the form of a three-sided fence, or that a privacy fence be provided along the property line adjoining the priest's residence.



Figure 2: Rear of store



Figure 3: Adjacent residence

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

The property is appropriately served by utilities.

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

The property was developed prior to adoption of the City's landscape ordinance, and there are no landscape areas on the property. Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Staff is currently revising the landscape ordinance and under the advice of the City Attorney recommends postponing compliance with the landscape code pending the completion of code revisions. As far as this criterion, there are no special circumstances that would require screening and buffering that is beyond what is required by the Landscape Code, particularly since there are no adjacent residential uses. The Landscape Code is particularly problematic when applied to this property since the entire property is taken up by the building. However there may be some appropriate measures such as window boxes or potted plants along the sidewalk.

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 proposed signs shall meet the current code in regard to signs and exterior lighting.

h. Required yards and other open space.

See f. above.

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

The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. Since the surrounding uses are all nonresidential, there are no issues pertaining to compatibility.

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

The use must meet all requirements of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, including hours of operation limitations.

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

Not applicable.

Impact on Public Interest

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole.

A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable conditional use criteria. Staff recommends approval of Case 11-14, conditional use for alcoholic beverage establishment with the following conditions:

1. Sale of beer and wine will be allowed in conjunction with a restaurant, which will continue as the principal use.
2. The use must comply with revised planting standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.
3. This use shall provide screening for the garbage carts in the form of a three-sided fence, or a privacy fence be shall be provided along the property line adjoining the neighboring residence to the south.
3. All other current standards of the Municipal Code must be met.

ATTACHMENTS: APPLICANT'S SITE PLAN

409 St. Johns Ave FLUM



Legend

 City Limit

 Parcels

 Rivers, Lakes

Palatka FLUM

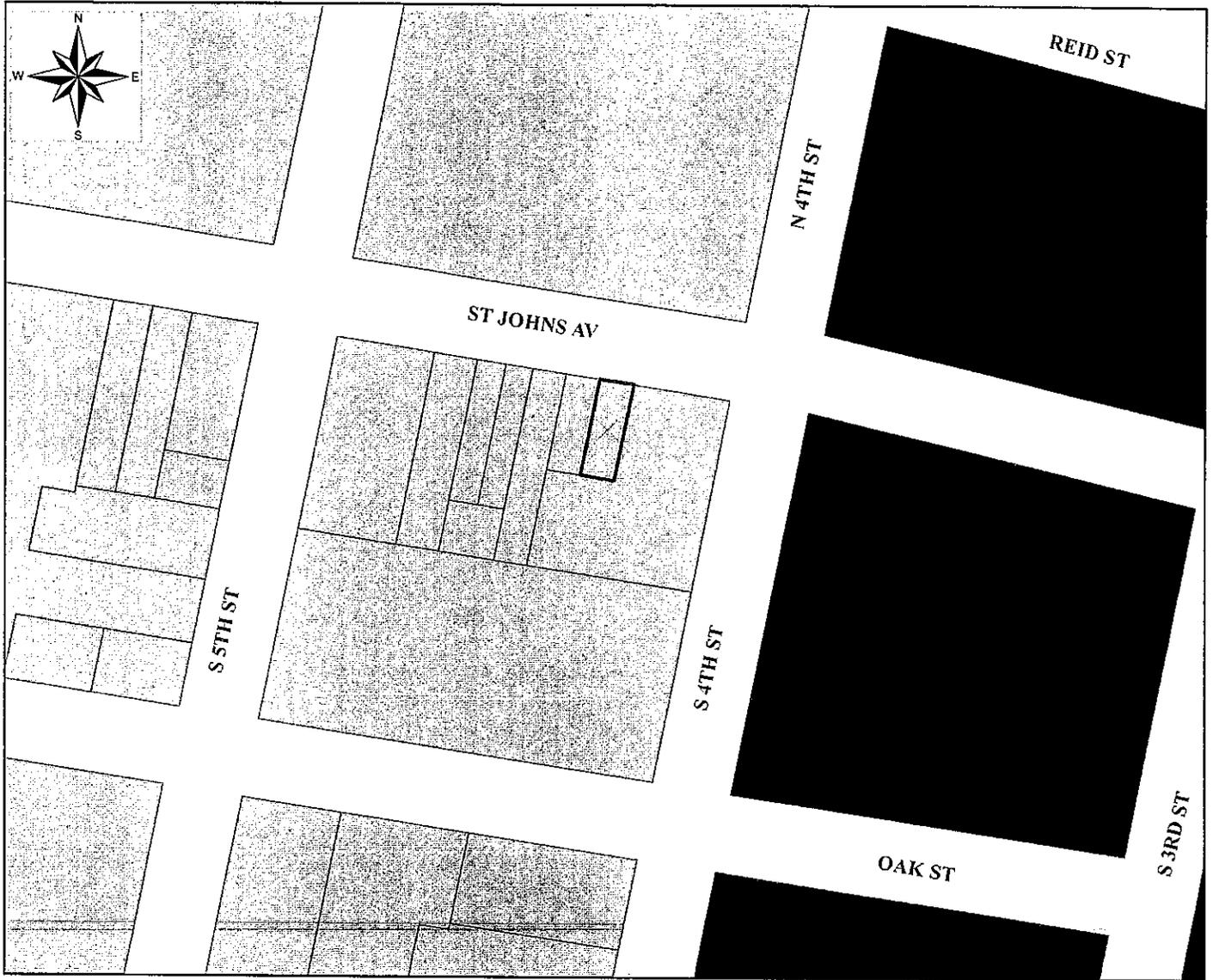
 Commercial

 Public Building

Site(s)
409 St. Johns Ave

Current FLUM
COM (Commercial)

409 St. Johns Ave Zoning



Legend

 City Limit

 Parcels

Palatka Zoning

 Downtown Business

 Downtown Riverfront

Site(s)
409 St. Johns Ave

Current Zoning
DB (Downtown Business)

FOURTH
ELEVENTH STREET

SANTA MONICA
CHURCH

PARKING LOT

TRASH
RECYCLE

GAULETTE TITLE
BLDG.

VIVA!
ITALIAN
PIZZERIA

SEIERS
MEDICAL
CLINIC

FIELD
LAND
OFFICE

SAINT JOHN'S
AVENUE

COURT HOUSE

Case 11-54
Request to Amend Comprehensive Plan Text
(Airport Protection Policies)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: December 27, 2011

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would add new Future Land Use Element policies intended to protect the municipal airport from incompatible uses. Public notice included legal advertisement. Staff is currently working with School District and St. Johns River State College staff on draft policies, and recommends tabling to February 7, 2012 meeting.

Case 11-41
Request to Amend Municipal Code
(Sign Definitions and Standards)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: December 27, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Administrative request to consider the administrative text amendments to the Sign and Zoning Code.

At the October and November meetings the Board recommended approval for definitions and/or design standards for the following types of signs: banner signs, bulletin board signs, changeable copy signs, changing (electronic) signs, directional signs; downtown gateway signs, downtown street art signs, educational/interpretative signs, gasoline price signs, and menu pricing boards. The Board also recommended eliminating the exclusion from maximum number of signs for owner identification signs; clarifying the maximum sign square footage for freestanding signs; eliminating the restriction that walls signs only be allowed in C-1, C-2, C-3, and M-1 zoning districts; prohibiting portable signs; and requiring landscaping areas around new signs. Prior to the consideration of the City Commission business owners and City staff contacted staff and raised concerns that new standards might be a burden for them in terms of allowable signage. In addition the City Attorney made the determination that sign types that were defined in the Code but did not have locational standards would be allowable, which was a different interpretation than that of the Planning Director. Staff revisited some of the sign standards regarding banner signs, changing signs, and gas pricing signs, as well as the Attorney's interpretation, and provides revised recommendations as noted below.

Public notice has been provided in the form of a newspaper ad.

APPLICATION BACKGROUND

Sign Standards

Staff recommends the following changes to the Sign Code for the following signs, continuing the agenda presented by the Board at its October meeting.

Clarification of allowable sign location. Allowable locations for signs are either provided in the Sign Code or in the Zoning Code by zoning district. Staff recommends the following new Section 62-16 to emphasize this with a "Prohibited Signs" section.

Section 62-16 – Prohibited signs.

Signs that are not described in Chapter 62 are prohibited, and sign location is strictly limited as specified in Chapter 62 and Chapter 94.

Banner Sign. The Board recommended to revising the banner definition to classify them as temporary signs and to exempt them from regulation, but to limit the placement of banners to buildings and existing signs. The Board also recommended that banners not exceed 50 square feet and be composed of durable and weather-resistant material such as canvas, cloth, heavy plastic, or similar materials. Given the tendency of some businesses to install banners on temporary structures, and the current allowance for Special Events to also do so, Staff recommends that such banners be allowed on temporary structures (which typically would be posts).

Changing sign. The intent of the revisions to the definition below is to allow for less strict standards for changing (electronic message) signs, and to “grandfather” those changing signs that have been permitted to this date. The definition below is marked to indicate changes from the previous Planning Board recommendation – stricken text indicates deleted Board recommended language and double-underlined text indicates new language since the Board’s consideration of this item.

Changing sign means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank. ~~Changing signs are allowed only on major commercial roadways and C-2 zoning as permitted in Chapter 62 and Chapter 94, with a sign area that is the lesser of 20 square feet or 25% of total sign, and shall not exceed thirty-six square feet in size. a message change time to not more than one minute~~ Changing signs shall display a message for at least eight seconds. Changing sign light emanation shall not exceed 0.3 footcandles measured 200 feet from the sign from a preset distance that shall be determined by the following formula: Measurement Distance = the Square Root of the following: the Area of Sign Sqare Feet multiplied by 100, Changing signs shall automatically adjust the sign’s brightness in direct correlation with ambient light conditionsintensity shall be decreased to 30% of maximum illumination from dusk to dawn, and display shall be limited to a single color on black background, and no scrolling, flashing, or other movement shall be allowed other than change oftext-image. Changing signs not meeting the standards above that were properly permitted prior to February 9, 2012 shall be considered to be legal nonconforming signs and shall be subject to the standards set forth in Section 62-95.

Gasoline price sign. The Board recommended that one gasoline price sign be permitted per gasoline station to provide the price of gasoline only, not to exceed 16 square feet in area per side, and that the sign be affixed to a permanent sign structure or to a building, and not be considered in the limitation of two signs per business. Additional research indicated that the size of such signs exceeded this, and in fact that such signs were typically installed as part of a multi-sign pole or ground sign structure, or as part of wall signage. Given that ground and pole signs have limitations of 96 square feet, applicable to multiple signs on a single structure, and wall signs have a limitation of 200 square feet, also applicable to multiple signs, Staff withdraws the recommendation for this new sign type. Such signs will be considered as part of other sign structures.

PROJECT ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response 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.

The changes do not conflict with the Comprehensive Plan. The following policy is relevant to this application:

Policy A.1.1.5 9J-5.006(3)(c)1

“Upon Plan adoption, the City Building Official shall review the City Zoning Code to ensure that current signage regulations preserve the character of the City. Where, through citizen participation, it is determined that current signage regulations regarding location, size, height, motion, etc., should be revised, changes to the current regulation shall be discussed in public hearing and proposed changes considered for adoption by the City Commission. By June 2008, the City shall review the land development regulations to ensure that signage maintains the character of the City and does not adversely impact adjoining properties, public rights-of-way, and the St. Johns River.”

The proposed sign code changes are in keeping with this policy.

b. The existing land use pattern.

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

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

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

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

The above criteria are not applicable.

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

The sign changes accomplish the following: clarify current vague sign standards, reduce visual clutter, and allow businesses to effectively advertise. These goals all improve living conditions in the City as a whole as well as its neighborhoods.

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

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

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

The above criteria are not applicable

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

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.

See response to g. above.

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

These changes apply to many and multiple properties, and do not constitute a grant of special privilege.

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

Not applicable.

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

See response to g. above.

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

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.

The above criteria are not applicable.

STAFF RECOMMENDATION

These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revisions of Case 11-41:

1. *Prohibited signs* - add new section for prohibited signs, clarifying that signs that are not described in Chapter 62 are prohibited, and sign location is strictly limited as specified in Chapter 62 and Chapter 94.
2. *Banner signs* - allow banners on temporary structures.
3. ~~*Changing sign*~~ - Provide new recommendation for definition as follows: changing sign means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank. Changing signs shall not exceed thirty-six square feet in size. Changing signs shall display a message for at least eight seconds. Changing sign light emanation shall not exceed 0.3 footcandles measured from a preset distance that shall be determined by the following formula: Measurement Distance = the Square Root of the following: the Area of Sign Sqare Feet multiplied by 100. Changing signs shall automatically adjust the sign's brightness in direct correlation with ambient light conditions, and no scrolling, flashing, or other movement shall be allowed other than change of-image. Changing signs not meeting the standards above that were properly permitted prior to February 9, 2012 shall be considered to be legal nonconforming signs and shall be subject to the standards set forth in Section 62-95.
4. *Gasoline price sign*. Rescind recommendation to add definition of gasoline price sign.