

**CITY OF PALATKA  
PLANNING BOARD AGENDA  
January 8, 2013**



1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the December 4, 2012 meeting.
4. Appeal procedures and ex parte communication.
5. OLD BUSINESS - None
6. NEW BUSINESS

**Case 12-65** Request to amend the Zoning Code Section 94-149 to allow flea markets in the C-2 zoning district through the conditional use process.

Applicant: The Palatka Market, Chad Dennis

**Case 12-66:** Annex, amend the Future Land Use map from County UR to RH and Rezone from County R-3 to City R-3.

Location: 100 Kelley Smith School Rd. and 119 and 121 Round Lake Rd.

Parcel No.: 09-10-26-0000-0340-0090

Owner(s): Billy S. & Betty J. Russ

7. Other Business
8. Adjournment

the model, the model is not able to explain the observed data. The model is rejected.

When the model is rejected, the researcher has to search for a new model. The researcher can search for a new model by changing the assumptions of the model. The researcher can also search for a new model by changing the variables of the model. The researcher can also search for a new model by changing the functional form of the model.

The researcher can also search for a new model by changing the data. The researcher can also search for a new model by changing the sample size.

The researcher can also search for a new model by changing the estimation method. The researcher can also search for a new model by changing the software.

The researcher can also search for a new model by changing the theoretical framework. The researcher can also search for a new model by changing the empirical strategy.

The researcher can also search for a new model by changing the research design. The researcher can also search for a new model by changing the data source.

The researcher can also search for a new model by changing the research question. The researcher can also search for a new model by changing the research objectives.

The researcher can also search for a new model by changing the research methodology. The researcher can also search for a new model by changing the research instruments.

The researcher can also search for a new model by changing the research team. The researcher can also search for a new model by changing the research location.

The researcher can also search for a new model by changing the research time. The researcher can also search for a new model by changing the research budget.

The researcher can also search for a new model by changing the research ethics. The researcher can also search for a new model by changing the research integrity.

The researcher can also search for a new model by changing the research communication. The researcher can also search for a new model by changing the research dissemination.

The researcher can also search for a new model by changing the research impact. The researcher can also search for a new model by changing the research contribution.

The researcher can also search for a new model by changing the research legacy. The researcher can also search for a new model by changing the research reputation.

The researcher can also search for a new model by changing the research network. The researcher can also search for a new model by changing the research community.

The researcher can also search for a new model by changing the research culture. The researcher can also search for a new model by changing the research environment.

The researcher can also search for a new model by changing the research climate. The researcher can also search for a new model by changing the research atmosphere.

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The researcher can also search for a new model by changing the research amazement. The researcher can also search for a new model by changing the research admiration.

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The researcher can also search for a new model by changing the research respect. The researcher can also search for a new model by changing the research honor.

The researcher can also search for a new model by changing the research esteem. The researcher can also search for a new model by changing the research pride.

The researcher can also search for a new model by changing the research dignity. The researcher can also search for a new model by changing the research nobility.



# CITY OF PALATKA PLANNING BOARD MINUTES December 4, 2012

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

**Motion** was made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes for the November 13, 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 12-53** 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).

Mr. Crowe advised that this task is becoming more complex and requested more time for research.

Motion made by Mr. DeLoach and seconded by Mr. Petrucci to table until the February meeting. All present voted affirmative, motion carried.

## NEW BUSINESS

**Case 12-57:** Annex, amend the Future Land Use map from Putnam County UR (Urban Reserve) to RL (Residential, Low Density) and Rezone from Putnam County R-1A (Residential Single-Family) to R-1A (Single-Family Residential) for 2406, 2408, 2412 Tommy Avenue and 2419 Leigh Street.

Owner(s): Multiple  
Applicant: Administrative

Mr. Crowe advised that these requests are city water-related annexations and are administratively processed. He advised that these properties are contiguous to the City limits and meet the state requirements for annexation. He added that these requests are not in conflict with the Comprehensive Plan and meet the criteria for amending the Plan as well as rezoning the property. He recommended approval of the request.

**Motion** made by Mr. Sheffield and seconded by Mr. Harwell to approve the requests as submitted. All present voted affirmative, motion carried.

**Case 12-59:** Request for conditional use to relocate a child care facility in a C-2 zoning district.

Location: 625 S. State Rd. 19  
Owner: Terwilleger GH 1983 Trust Et Al  
Agent: Cimone Coring

Mr. Crowe gave an overview of the request and displayed site photos, explaining that the building takes up most of the property creating a unique parking situation. He stated that the City does not have parking standards for

child care centers in its zoning code. He recommended a minimum parking standard of two spaces per employee, which would require 14 spaces (this is in the middle range of what other comparable cities require). Mr. Crowe explained that the neighboring property (currently occupied by Lee & Cates Glass) uses very little of their parking spaces and if some overflow parking was to occur there, it would not impact the glass company negatively. He recommended that the child care center parking occur behind the fenced-in area on paved and striped parking surface. He stated that this application meets applicable conditional use criteria if the following conditions of approval were applied.

1. The use of a child care center shall be permitted with a maximum number of 80 students and seven employees.
2. Fourteen parking spaces are required in the rear area that is currently fenced in for the child care use. This area must be improved to meet code requirements pertaining to paving, striping, and landscaping. The applicant shall provide small directional signs directing patrons and employees to this parking area to minimize the use of Lee and Cates parking spaces.
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 area shall be screened in accordance with the 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.

Mr. Holmes pointed out that Lee & Cates and the proposed childcare center properties are owned by the same party.

Cimone Coring, 140 E. Cracker Swamp Rd., advised that she was amenable to the conditions as discussed with Mr. Crowe, that most of what they discussed she had already planned on implementing. She agreed with Mr. Crowe and explained that there would three closest parking spaces would be utilized for deliveries.

**Motion** made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request with staff recommendations. All present voted affirmative, motion carried.

**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.

Mr. Crowe explained that there has been some confusion attributed to this request. In an effort to clarify he used the Quality Inn Hotel on North 1<sup>st</sup> Street as an example of a business with accessory, ancillary, and subordinate activates that occur there. He gave common examples of accessory hotel uses such as a restaurant, gift shop or meeting rooms. He explained that in all zoning districts you have allowable principal uses and accessory uses, with accessory uses being subordinate to, but different from the principal or main use. He further explained that the downtown zoning districts replaced the old C-3 zoning designation for the downtown area. The Downtown Business and Downtown Riverfront districts are separate zoning districts that are essentially the same. Unlike other commercial zoning categories that allow a broad array of accessory uses, the Downtown zoning categories do not. The Downtown zoning designations only allow for a few specifically listed accessory uses and conditional accessory uses – disallowing all other accessory uses. He added that you cannot anticipate every type of principal or ancillary use especially with today's ever-evolving technology. The commercial zoning districts accessory use standards were written differently from the Downtown districts, with the intent to allow more varied uses. In these commercial districts accessory uses may be allowed upon the administrative interpretation that such uses:

1. are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
2. are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
3. do not involve operations or structures not in keeping with the character of the district.

He added that this application originated when someone requested a zoning verification letter to hold a training seminar at the Quality Inn, and as demonstrated this use is not allowed in the downtown districts per the specificity of the code, but for years and years these activities have occurred. He stated that the intent for this code revision is to allow the following additional accessory uses to the downtown districts:

- **Meeting space and limited retail sales as an accessory use to hotels** (currently prohibited). Mr. Crowe commented that 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 full-fledged 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). Mr. Crowe reiterated that this is another common practice associated with downtown restaurants; there is no point in requiring the burden of public hearings 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. Mr. Crowe commented that 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 are customarily accessory and clearly incidental and subordinate to permitted or permissible uses provided they 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 accessory uses are not approved by Staff, such uses may be considered by the Planning Board as conditional accessory uses).

Mr. Crowe concluded that staff believes that this amendment would encourage uses and encourage a more lively Downtown. He wants the ability to use the same three criteria used to determine accessory uses in all other commercial districts because the City cannot identify every single accessory use that is going to come along. Staff should be able to make a quick determination using the three criteria that a use is an obvious accessory use, which Staff already has the ability to do in other commercial districts. He clarified that this amendment would only apply to the Downtown zoning districts and not within the recommended recreation zoning for the Riverfront Park.

Mr. Petrucci stated that he believed that this was the right direction to be going in and asked if staff knew why the restrictions for accessory uses within the downtown zoning districts were put in place.

Mr. Crowe replied that he did not, and continued that is the problem with being totally prescriptive and trying to lay everything out so specifically, you can never anticipate every possibility that might come along. He recommended approval of the following revisions to 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

Mr. Holmes stated that he had no problem with the concept after speaking with Mr. Crowe, and agreed that it is often impossible to anticipate or articulate every possible use that may be accessory or acceptable in a particular zoning classification. He added that it is pretty common for a Planning Director to have discretion to make interpretations or decisions of a code. He asked Mr. Crowe if there was an appeal process provided for item numbered (10).

Mr. Crowe advised that all appeals of staff decisions currently go to the Zoning Board of Appeals. Mr. Holmes suggested the Board may want to consider moving the language regarding conditional accessory uses (# 10) to the Conditional Use section, and it might be good for the appeal process to be considered by the Planning Board and covered under the Conditional Use section.

Discussion ensued regarding the zoning and land use designations for the Riverfront Park and its possible relevance to this amendment. Mr. Crowe clarified that the Planning Board had recommended to change the zoning designation for the Riverfront Park to Recreation/Open Space and that the accessory use text amendment would only apply to Downtown zoning districts and not to the Riverfront Park, which is scheduled for consideration for first reading of rezoning by the Commission on December 13, 2012.

Mr. Harwell asked staff for an example of a worst case scenario for an accessory use.

Mr. Crowe explained that there are a lot of things in the code that have to be interpreted, that are not completely black & white or clear. Whenever a proposed accessory use comes along, he as a Certified Planner has to make an interpretation that it is something that is appropriate and customarily incidental and does not harm the

character of the district it is in. If it something that is not associated with the principal use or not in keeping with the district, it would not meet the test and he would not approve it. In that regard there is no worst case scenario since accessory uses would be in keeping with the nature of the use and the district and neighborhood.

Mr. Sheffield asked if the sidewalk cafés would require fencing around the seating.

Mr. Crowe advised that our code does not require a fence, but there is a required clearance of free pedestrian passage along the sidewalk.

Sharon Buck, 610 S. 14<sup>th</sup> St., asked if the existing businesses (such as Honey Baked Ham and the Italian restaurant) downtown are in violation because they are creating good smells downtown or would they be grandfathered in.

Mr. Crower replied that those are principal uses, and we are only discussing accessory uses.

Mr. Holmes added that those criteria do not apply to a principal use, if a restaurant is zoned properly and an allowed use then there wouldn't be an issue as to the smells generated from that use.

Ms. Buck asked in regards to some of the staff decisions regarding accessory uses, would such decisions be made primarily by Mr. Crowe and is there a risk that the decisions would be subjective.

Mr. Crowe replied that he did not agree with that. He has 23 years' experience as a professional planner, is certified through the American Institute of Certified Planners, and has a Master's Degree in Planning and believes that he is qualified to make, to the best of his ability, objective decisions based on sound planning principles and practice.

Ms. Buck stated that while she respected and applauded Mr. Crowe for all of his qualifications, she was concerned that to the layperson, the administrative approval of accessory uses may appear to be subjective. She said that she did appreciate Mr. Holmes bringing up the appeal process.

Mr. Crowe replied that Ms. Buck had a good point. He explained that everything he does is subject to appeal and is not necessarily the final word. There is a balance and that the Planning Board and the City Commission have a responsibility to the citizens. The City must hire professionals, who to the best of their abilities implement and enforce the ordinances that are passed. He said that he tries to the best of his ability to ground his decisions based on criteria and such decisions have to be supported.

Pam Garris, 603 Emmett St. stated that she feels that there should be more public input and comment on what is actually allowed to go into these places, to be really be democratic about this and make sure the public understands what is going to be allowed, and not just rest in the Planning Department.

Gary Patel, owner of Quality Inn Hotel stated that he appreciates what Mr. Crowe is trying to do to correct the code to reflect what has been happening for years. He believes that this is a necessary code change to allow the uses that are customary.

Ms. Garris expressed concerns regarding outdoor activities of existing bars and the possibility of an adult entertainment establishment being able to locate downtown.

Mr. Crowe responded that the current accessory use regulations would not allow outdoor events and entertainment establishment uses, and activities are expressly prohibited in the downtown zoning districts.

Mr. Holmes stated that one must put this into context of the entire zoning code, and remember that the zoning code has already been assigned with given zoning classifications, with permissible uses to a district - which has already been through a public hearing process to decide what uses are allowable in a particular business district. So one must meet the limitation of principal uses first of all, and then you have articulated accessory uses (items 1 through 9) that are self-explanatory. The only latitude that staff has is with item no. 10, which requires that other accessory uses must meet the three point test. He added that there are two sides to every coin, on one hand you allow a code to be broad enough that any use can go anywhere; on the other hand, you require every use be approved through a public hearing that the public needs to comment on it. He believes this amendment lies in the middle of this spectrum and reminded the Board that new businesses trying to come into an area also have a tolerance for bureaucracy and a level beyond which they will not go.

**Motion** made by Mr. Sheffield and seconded by Mr. Petrucci to approve the request to amend Zoning Code Section 94-161 and 94-162 (Downtown Business and Downtown Riverfront zoning districts) regarding permitted accessory uses as recommended by staff, with the exception to item No. (10); to remove the following proposed language; *if an accessory use is not approved by Staff, such uses may be considered as conditional accessory uses* and place that language under the conditional accessory uses section [Section 94-161(f)(6) & 94-162(f)(6)]. All present voted affirmative, motion carried.

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

Mr. Crowe explained that this request is to extend the allowance of education/interpretive signs in the historic districts which is not currently allowed. 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 has been erected on the northwest corner of River and Laurel Streets, and the North Historic District sign is proposed for the northeast corner of N. 3<sup>rd</sup> and Main Streets.

Mr. Harwell expressed his concern of such signs popping up all over the place in residential areas.

Mr. Crowe advised that the city would be sensitive to that. The educational type signs would be located within parks or within city right-of-way and are meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka. He added that all signs in historic districts would be required to go before the Historic Preservation Board for a Certificate of Appropriateness as to sign design and location.

Ms. Buck stated that she thought that 20 square feet is quite large.

Ms. Garris protested that she would not want to see a large sign placed in front of her house.

Mr. Crowe stated that he believes that this amendment is supported by the Comprehensive Plan and that the City strongly supports historic preservation of the city. He added that the City would not want to be intrusive to a property owner and that such signs would be strategically placed with that in mind.

**Motion** made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request with staff recommendations. The motion passed with six yeas and a dissenting vote cast by Mr. Harwell, motion carried.

With no other business, meeting adjourned.



## Request to Amend Zoning Code

(Allow Non-Temporary Outdoor Sales, with Design Standards, as Conditional Use in C-2 Zoning)

Applicant: Building and Zoning Dept.

### STAFF REPORT

DATE: December 31, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP  
Planning Director

#### **APPLICATION REQUEST**

A request to amend the Zoning Code to allow outdoor sales in the C-2 (Intensive Zoning) District, with required design standards. Please note that this agenda item had been identified as a flea market, and staff has determined that a more appropriate description would be non-temporary outdoor sales. Public notice included legal advertisement.

#### **APPLICATION BACKGROUND**

The Applicant is currently conducting outdoor sales at 3523 Reid Street (west of North Palm Avenue). This activity is in violation of the Zoning Code, which only allows outdoor sales through the conditional use process and as part of either 1) a outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale), 2) seasonal goods sale (limited to 30 days, Christmas trees or 4<sup>th</sup> of July fireworks), 3) special event sale (associated with special event like Blue Crab Festival), 4) temporary goods sale (other outdoor sales, not to exceed 30 days in duration), and 5) farmers market (intended for food and produce goods). The Applicant filed an application to amend the Code to allow non-temporary outdoor sales, which forestalled code enforcement action on the specific use.

Upon review of the Code, Staff found that the outdoor sales regulations prohibit customary outdoor sales that exceed the 30-day limit described in several of the sales events described above. Staff is concerned that this 30-day timeframe is not defined, and some might argue that a temporary goods sale could operate for 30 days and then immediately start with another 30-day period, resulting in a rolling temporary sale that continues indefinitely. Staff also recognizes that it is customary for existing businesses to provide for outdoor display of goods for sale, typically on sidewalks outside stores. An example of this would be outdoor lawn equipment displayed on sidewalks outside home improvement stores, or temporary clothing racks on sidewalks outside discount or clothes stores. Sidewalk sales are now only allowed in the downtown zoning districts, with a permit (fee required) and required pedestrian passageways, with sales occurring only in stores. Staff has also reviewed codes of other jurisdictions and has found that while numerous jurisdictions prohibit non-temporary outdoor sales, others allow them with design standards related to appearance, function, and public safety. Staff does not object to outdoor sales if the activity is conducted in such a way that limits visual clutter, provides for adequate parking and pedestrian passage, requires landscaping and screening, and discourages the sale of stolen goods.

*Allow Non-Temporary Outdoor Sales, with Design Standards, as Conditional Use in C-2 Zoning District*

Staff proposes to add a new section to Sec. 94-200 that allows for non-temporary outdoor sales only in the C-2 zoning district, subject to the design standards shown below and requiring conditional use approval.

- Non-temporary outdoor sales as accessory uses in conjunction with existing principal commercial uses can occur as an allowable activity (conditional use approval not required) only on sidewalks adjoining the building entrance, with the following standards applicable:
  - a clear pedestrian pathway of at least 48" must be maintained at all times on the sidewalk, along the sidewalk perpendicular to the business and to the building entrance;
  - building entrances must not be blocked;
  - display items shall be limited to outdoor-oriented merchandise such as plants, lawn equipment, and barbecue grills; clothing on tables or upright racks; vending machines; or other non-perishable items on tables;
  - display items shall be brought inside the store or secured at the end of each business day; and
  - display areas shall present an orderly and organized appearance
- Non-temporary outdoor sales as a principal use can occur in the C-2 zoning district through conditional use approval in conjunction with a permanent enclosed structure that is minimum 1,500 square feet in size and is used for storage of goods, sales and display area, office, restrooms, etc. The following standards shall be met:
  - Minimum lot size of 1.5 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet.
  - A 30-foot setback is required from any right-of-way for outdoor display areas and parking areas, and shall include a landscaped area with a three to four-foot high visual screen consisting of a hedge, masonry wall, or wood or aluminum fencing, maintained in a neat appearance. One shade tree every fifty feet is required to further screen activities (when powerlines or other obstructions are present, understory trees may be utilized, or trees may be planted in the right-of-way with the approval of the controlling jurisdiction).
  - When adjacent to residential uses or zoning, six-foot high masonry wall, privacy fence, or hedge contained within thirty foot landscape buffer, and 100-foot setback from residential property lines.
  - Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate.
  - All outdoor areas shall be cleaned of litter and refuse after each day of operation.
  - Adequate restroom facilities must be provided.
  - Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager.
  - One parking space for each vendor must be provided, with an additional space for every 300 square feet of outdoor and indoor sales area.
  - Uses are subject to Sign Code. Signs are allowed for individual vendors and displays, limited to each display area and not more than 20 square feet in size. The following signs are prohibited: "human" signs, inflatable figures or objects, pennants and banners other than the allowance of two banners as defined in the Sign Code, snipe signs, and any other sign not allowed by the Sign Code.
  - Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles.

- No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; perishable goods or produce; or personal services shall be offered for sale.
- All merchandise shall be brought into the building at the end of each business day except for larger items that are not easily moved, with such items being screened by fencing or vegetation that shall be maintained in an attractive and neat appearance.
- The conditional use site plan shall require at a minimum the following elements: access roads, entrances and exits, parking, traffic lanes, fire lanes, refuse containers, fences, buildings, restroom facilities, lighting, landscaping and other improvements as required.
- The conditional use site plan or narrative shall include verbiage regarding days and hours of operation; the means, such as stalls, tables or other structures by which merchandise is to be displayed; and the specific types of goods requested for sale.
- The owner or operator must provide and maintain an ongoing record of inventory of articles for sale and provide to City upon request. Such list must include origin of goods, including name and contact information of seller, and transaction details.
- The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied.

**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 allow for additional business development and job creation, important in these unfavorable economic circumstances.
- The amendment would provide clear standards that curtail potential visual and other impacts of outdoor sales.
- 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*

*Allow Non-Temporary Outdoor Sales, with Design Standards, as Conditional Use in C-2 Zoning District*

*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 revisions to Zoning Code Section 94-200 to allow for non-temporary outdoor sales as an accessory use to existing commercial uses in the C-2 zoning district and with the standards listed on Page 2, and to also allow for non-temporary outdoor sales as a principal use allowed through the conditional use process and subject to the standards listed on Pages 2 and 3.



Case 12-66: 100 Kelley Smith School Rd. and 119, 121 Round Lake Rd.  
Request to Annex, Amend Future Land Use Map and Rezone

Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** December 21, 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.

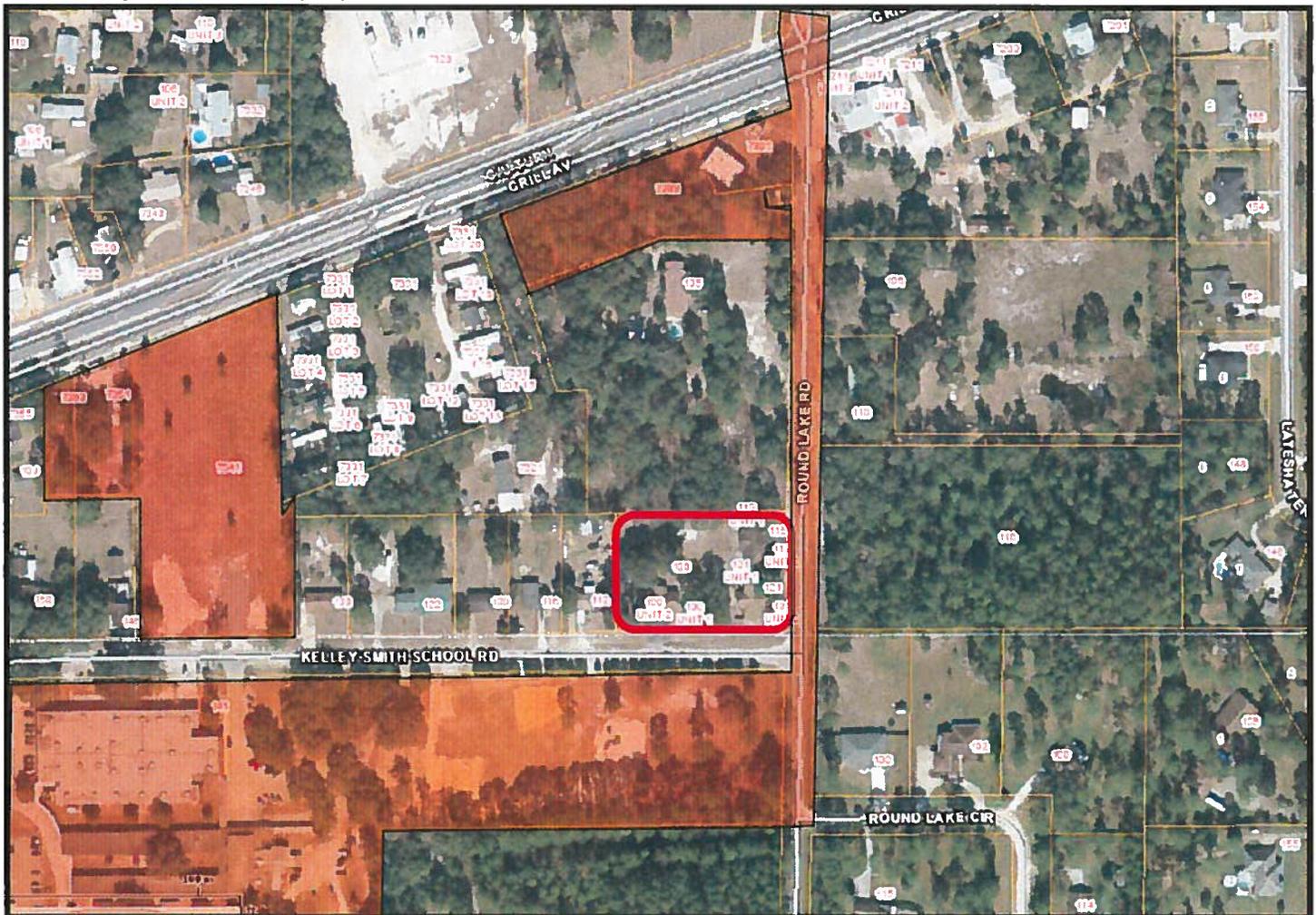


Figure 1: Site and Vicinity Map (red shaded area represents city limits)



Figure 2: 119, 121 Round Lake Road (above)

Figure 3: 100 Kelley Smith School Road (below)



**APPLICATION BACKGROUND**

The properties under consideration currently have a County mixed-use Future Land Use Map (FLUM) designation and multi-family zoning. There are three duplexes on the property.

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-3 (Residential-6 units per acre)	R-3 (Single-family Residential)

The Putnam County Health Department has required the property owner to hook up to City water due to their 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. As indicated in Figure 1, the property is contiguous to the City limits, which are across Kelley Smith Road (statutes do not consider rights-of-way and interrupting contiguity).

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present between Kelley Smith Elementary School on the south and properties within the City north of Crill Avenue.

### **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 Districts1. Residential

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

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

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. **Please note that while the item was advertised for a proposed RM (Residential, Medium Density) FLUM, Staff proposes to revise this downward to the RL (Residential, Low Density) category due to the belief that the 10-units per acre density allowed by the RM FLUM is too intense for this suburban area.** Section 94-111(b) allows the R-2 zoning category within the RL land use category, and the actual density of the three duplexes on the 1.22-acre site comes in just below the top RL density of 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 Kelley Smith Road 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-2 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:** 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 residential 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-2 for 100 Kelley Smith School Road and 119 and 121 Round Lake Road.