

**CITY OF PALATKA
PLANNING BOARD AGENDA
May 7, 2013**



1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the April 2, 2013 meeting.
4. Appeal procedures and ex parte communication.
5. **OLD BUSINESS:**

Case 13-12: administrative request to amend the Municipal Code to revise various landscaping and tree protection standards as set forth in Zoning Code Chapter 94, Article VI and VII.

6. NEW BUSINESS

Case 13-14: administrative request to amend Municipal Code Sec. 94-149 to allow for residential uses for properties zoned C-2 (Intensive Commercial) in the CRA districts.

Case 13-15: administrative request to amend the Comprehensive Plan Future Land Use Element to allow for residential uses in the COM (Commercial) Land Use Category under certain conditions.

Case 13-17 request for a conditional use for expansion of a previously approved nursing home.

Location: 6400 St Johns Avenue
Owner: North Central Florida Hospice Inc

Case 13-18 request for a conditional use for an existing nonconforming school use and feeding program.

Location: 200 Main Street
Owner: Episcopal Church In The Diocese Of Florida Inc
Applicant: St. Marks Episcopal Church

Case 13-19: amend Municipal Code Sec. 94-145 to remove the requirement that conditional uses in the R-3 (multiple-family residential) zoning district be located on a major thoroughfare or highway.

7. Other Business None

8. ADJOURNMENT



CITY OF PALATKA PLANNING BOARD MINUTES April 2, 2013

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

Mr. Motion was made by Ms. Gooding and seconded by Mr. Wallace to approve the minutes for March 5, 2013 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.

Case 13-09: A request for a conditional use for non-temporary outdoor sales.

Location: 3523 Reid Street

Parcel #: 02-10-26-0000-0130-0010

Applicant: Ahearn & Dennis Investments, LLC

Mr. Crowe some of the issues brought about last month were pertaining to the required screening in front to include parking lot area and along either side, to the building line. He explained that the Code does require screening between parking lots and roads in the form of a hedge; we added the option of fence for some flexibility. Mr. Crowe said that he is recommending the buffer continue on both sides of the property to the building front, which would equate to approximately 8 additional palms (four on either side). Mr. Crowe believes this would soften the effect of outdoor sales from the highway and give it a classier look. He noted that there were some changes to the parking lot layout, adding additional spaces along the vendor area and referred to the amended site plan submitted by the applicant. He reviewed the following recommended conditions as listed in the staff report:

1. a three to four-foot tall visual screen shall be provided between the right-of-way and parking and display areas, consisting of a hedge, masonry wall, or wood or aluminum fencing;
2. palm trees or another acceptable type of understory tree(s) shall be planted along the side property lines on a 20-foot spacing from the front property line to the front wall of the main building;
3. a six-foot high masonry wall, privacy fence, or hedge contained within a thirty foot landscape buffer shall be required along the rear property line at the time that adjacent residential development occurs;
4. the trash receptacle area shown at the rear of the parking row to the west of the building must be screened on three sides with a gate on one side – the site plan or narrative shall be revised to reflect this;
5. all outdoor areas shall be cleaned of litter and refuse after each day of operation - this is an operational standard that shall be included as a condition of approval in the approval letter;
6. adequate restroom facilities shall be shown on the site plan, any outdoor portable toilets shall be screened in a similar manner as trash receptacles;
7. Mr. Chad Dennis will be the designated market manager, and the point of contact and the responsible party for this conditional use permit, with this designation being transferrable to another individual in the future with that person's name and contact information being provided to the Building and Zoning Department;

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8. Use of the facilities shall be based on the parking standard of Given that the site plan shows 33 parking spaces and four outside vendor spaces and the Property Appraiser records indicate that the building is 9,276 square feet including the canopy overhand area in front of the building, 35 parking spaces are required (based on one parking space per vendor and one parking space per 300 square foot of sales area, therefore with the three vendors areas shown on the site plan and the Applicant's state intent to use no more than 3,000 square feet of interior space for the use, at least thirteen parking spaces shall be required for the use), therefore the applicant will have to provide two more parking spaces or remove 600 square feet of sales area from use;
9. uses are subject to Sign Code, signs are allowed for individual vendors and displays, limited to the premises of each display area and not more than 20 square feet in size;
10. 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;
11. display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles;
12. No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale;
13. 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;
14. The site plan shall be revised to show fire lanes, restrooms, exterior lighting, and additional required landscaping; and
15. The 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.

Mr. Crowe added that other than car lots, this will be the first approved outdoor sales, if approved, and he believes that it is important to ensure that it looks good and doesn't increase the level of clutter.

Ms. Gooding asked if all business would be required to do this.

Mr. Crowe advised that any conditional uses and new development will be required as per the code.

Chad Dennis, 3523 Reid Street, stated that he is good with all of the recommendations with the exception of putting up a hedge; he believes this would hide his business. He also stated that he would not want to put any more money into additional Palm trees, as he has already planted several. He stated that this was an old metal building that they have remodeled and updated and believes that the property has improved greatly. He added that putting four Palm trees along the north side would place them in the middle of the asphalt which is shared with his neighbor.

Mr. Crowe replied that planters would be acceptable to avoid damaging the asphalt, and that the current landscape code is much more stringent, but through consultation with the City Attorney, a compromise has been reached to allow a minimal amount of landscaping for existing structures.

Mr. Holmes stated that there is a balance between a progressive code, with the idea of bringing Palatka up to the standards of maybe what other Cities do and then you have the other end of the scale, is to not do anything and let people do whatever they want to do - somewhere in the middle there is a balance, and where that balance is

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would be the Boards. He believes that Mr. Crowe, in an effort to be business friendly, has given consideration to compromise on some of those things. Mr. Crowe has pointed out that the current Landscape Code is cost prohibitive for someone trying to open a small business in the City. Mr. Holmes added that while these are tough time, he recognizes the need to try and evolve to make the City more esthetically pleasing.

Mr. Harwell asked if there could be a compromise of low scale diverse plant life instead of a hedge.

Mr. Crowe replied that he has to speak to the intent of the Landscape Code, and the intent is to screen uses.

Discussion continued regarding possible compromises.

Motion made by Ms. Gooding to approve the request with amendments to the Staff recommendations to remove items (1) and (2) of the conditions. With no second, motion failed.

Mr. Pickens asked if there was any consensus on not having a fence, but there be additional shrubbery that would provide an additional screening affect above what is already there.

Mr. Crowe stated that if it were the consensus of the Board, a middle point could be eliminating item no. (1) and amend item no. (2) to require interspersed planting that could be defined allowing some visibility, for the front and the sides.

Motion made Mr. Pickens and seconded by Mr. Wallace to approve the request with staff recommendations with the exception of the deletion of item (1) and (2), inserting in Lou thereof, a condition that the applicant provide additional natural screening that mature of at least three feet in high and interspersed at a minimum of not less than ten feet apart for the front and side area as approved by staff. All present voted affirmative, motion carried.

NEW BUSINESS

Case 13-10: Administrative request to annex, amend the Future Land Use map from County US (Urban Service) to City COM (Commercial) and rezone from County C-2 (light commercial) to City C-2 (Intensive Commercial).

Location: 1095 N. State Rd. 19
Parcel #: 02-10-26-6870-0000-0441
Owner: Donna Jaquith-Bryne

Mr. Crowe stated that this request meets the annexation, Future Land Use map and the rezoning criteria and is compatible with the surrounding zoning and land uses. He added that currently there is a Bail Bonds office located there and they have plans to add a car lot there in the future. He recommended approval of this request.

Motion made by Mr. Pickens and seconded by Ms. Gooding to approve the request to annex, amend the Future Land Use map to City COM (Commercial) and rezone to City C-2 (Intensive Commercial). All present voted affirmative, motion carried.

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Case 13-11: Administrative request to annex, amend the Future Land Use map from County US (Urban Service) to City COM (Commercial) and rezone from County IL (Industrial Light) to City C-2 (Intensive Commercial) located at 421 & 425 N. Palm Ave.

Location: 421 & 425 N. Palm Ave.
Parcel #: 01-10-26-8650-0030-0400
Owner: Ernest W. Matchett

Mr. Crowe stated that this case is similar to the last one and is going from county commercial to city commercial. The applicant wants to come into the City to take advantage of our urban services, it is in keeping with the character of the surrounding area and uses. He added that this request meets the annexation, Future Land Use map and rezoning criteria and recommended approval.

Motion made by Mr. Pickens and seconded by Mr. Harwell to approve the request to annex, amend the Future Land Use map from County US (Urban Service) to City COM (Commercial) and rezone from County IL (Industrial Light) to City C-2 (Intensive Commercial) located at 421 & 425 N. Palm Ave.

Case 13-12: amend the Municipal Code to revise various landscaping and tree protection standards as set forth in Zoning Code Chapter 94, Article VI and VII.

Mr. Crowe stated that this is an overhaul of the landscape code and to provide for standards for tree protection. He recommended that the Board table the request to allow for additional staff review.

Motion made by Mr. Wallace and seconded by Mr. Pickens to table this request for next meeting. All present voted affirmative, motion carried.

Other Business – Mr. Crowe advised that he had put together a Planning training presentation for the Board but would rather wait until more of the members are present to present it.

ADJOURNMENT

With no further business, meeting adjourned.

Case 13-12
Request to Amend Zoning Code
(Revisions to Tree and Landscape Code)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Multiple revisions to the Tree and Landscape Code (Zoning Code Articles VI and VII).

APPLICATION BACKGROUND

Staff has been evaluating and preparing revisions of the Tree and Landscape Code during the past 14 months, as time allowed. In March of 2012 we presented a summary of issues and recommendations to the City Commission. Since that time Staff has twice presented proposed code revisions to the Tree Committee for their input as well. Tree Protection standards date back to the original 1981 Zoning Code, and the Buffering and Screening standards were added in 2005. The attached documents provide a detailed evaluation of Articles VI and VII, including the following:

- a summary in table form of the standards;
- a two-page issues and recommendations table; and
- the complete ordinance with proposed revisions, annotated with explanatory notes.

Staff's general position is that the standards are confusing, duplicatory, excessive in some areas, lenient in other areas, and lacking a core, strategic direction. Revisions were made to clarify, streamline, and more importantly focus on the strategic use of limited resources in a way that most benefits the public, namely the "greening" of the City's thoroughfares, enabling incremental and long-term reforestation, and providing proper protection of low impact residential and conservation uses from higher impact uses. The change reduce the emphasis on across-the-board landscape planting which results in planting hidden areas that benefit few.

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.

- Clear direction on appropriate tree planting including allowable trees for parking lots, streets, and buffers (planting list customized for northeast Florida by committee of IFAS UF agents, urban foresters, landscape architects, planners, nursery operators, and developers).

- Better organization of code, including combination of separate buffering sections.
- Concentration of landscaping where it is needed, including along roadways, in parking lots, and adjacent to low impact uses.
- Provision of clear pruning standards for parking lot trees, streetside canopy trees, and buffer trees for nonresidential and multi-family development.
- Establishment of tree fund from mitigation to provide for off-site tree planting.
- Implementation of xeriscaping standards.
- Incentives for tree preservation.
- Reasonable and proportional compliance for existing uses and redevelopment.
- Emphasis on parking lot shade.
- Incorporation of landscaping into stormwater areas where practicable.
- Increased involvement of Tree Committee in appeals to ordinance and alternative approaches.

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 or Community Redevelopment Area Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of both plans. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*

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

FUTURE LAND USE ELEMENT

Policy A.1.3.2 9J-5.006(3)(c)2, 7

By June 2008, the Building Official shall review the City's Zoning Code and Subdivision Regulation to ensure that current buffering and separation standards between land uses of different densities or intensities of use remain sufficient to ensure compatibility between uses, or mitigate the effects of more dense / intense uses on less dense / intense uses.

Issues of compatibility shall include considerations for noise, sight, and level of traffic generation. The primary tool of ensuring capability between land uses shall be the Future Land Use Map and the elimination of non-conforming land uses. Other techniques shall include:

Noise and sight incompatibility -- screening by either a 6' solid physical wall or landscape plantings to reach, within 18 months, a height of at least 5 feet and an opacity of 80 percent.

CONSERVATION ELEMENT

Policy E.1.2.14

By June 1, 2009, the City shall amend its land development regulations by adopting a landscape irrigation and Xeriscape ordinance based on "Standards for Landscape Irrigation in Florida."

Policy E.1.2.17

New development shall utilize and/or preserve native vegetation, or use drought-resistant plants for landscaping to the greatest practicable extent. Native or drought tolerant plants include, but are not limited to those in the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable guidelines.

LANDSCAPING AND TREE PROTECTION (ZONING CODE ARTICLE VI)

- (1) *Improve the aesthetic appearance of commercial, governmental, industrial and residential areas through the incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment.*
- (2) *Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:*
 - a. *Improving air and water quality;*
 - b. *Maintaining permeable land areas essential to surface water management and aquifer recharge;*
 - c. *Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation;*
 - d. *Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;*
 - e. *Reducing the temperature of the microclimate through the process of evapotranspiration; and*

- f. *Encouraging the conservation of water through the use of site-specific plants, various planting and maintenance techniques, and efficient watering systems.*
- (3) *Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.*
- (4) *Establish procedures and standards for the administration and enforcement of this section.*
- (5) *Promote creative site development concepts in order to promote water and energy conservation.*
- (6) *Increase and maintain the value of land by requiring a minimum amount of landscaping to be incorporated into development.*
- (7) *Preserve existing natural trees and vegetation and incorporate native plants, plant communities and ecosystems into landscape design where possible by promoting landscaping methods that provide for the preservation of existing plant communities.*
- (8) *Assist in public information, the education of its citizens, and the effective implementation of this article.*

STAFF RECOMMENDATION

Staff recommends approval of Case 13-12 revising specific sections of Zoning Code Article VI and VII as paraphrased below and detailed in the attached revised ordinance.

1. Various non-substantive revisions.
2. Elimination of exemption from tree protection ordinance for existing or planned recreation facilities and areas within 10 feet of an existing or planned building foundation.
3. Use of 1/3 mitigation (replacement of lost tree caliper) across the board.
4. Prohibition of mesh fence and tape for tree preservation barricades.
5. Reduction of new canopy tree size from 2" to 1.5" DBH and from ten to eight feet in height.
6. Reduction of new understory tree size from 1.5" DBH to 1" DBH.
7. One-for-one DBH credit for new replacement trees (against removed trees), except two-thirds of a credit for high water use trees.
8. Weighted credit of 1.4 for existing native and healthy trees.
9. Increase from 25 to 50 square feet of landscaping per 500 square feet of paved area.
10. Increase of parking lot landscape island width from five to ten feet and from 100 to 160 square feet in size.
11. One canopy tree planted in each landscape island, unless trees in adjacent landscape areas will provide equal or increased parking lot shade.
12. Planting of stormwater areas and integration of such areas into landscaped area.
13. Terminal landscape islands required at each parking row end.
14. Ability to shift required landscaped areas out of car dealer display and other non-public parking areas to other parts of site.
15. Consolidation/clarification of corner visibility rules.
16. Tree committee on case-by-case basis to decide if non-native plants can be used for parking lots, streetyards, and buffers for nonresidential and multi-family development.

17. Conditional uses only to provide uncomplimentary use buffers adjacent to single-family uses and one streetyard tree per 10,000 square feet of parking area. Multi-tenant uses to provide landscaping that is proportional to their share of total building space.
18. Additions and expansions of building or parking lot area above 30% of existing to provide proportional landscaping requirements.
19. Buffer types (from least to most intensive landscaping): default buffer, vehicular use area buffer, roadway buffer, streetyard, and uncomplimentary use buffer.
20. Consolidation of multiple buffer tables into one table only addressing uncomplimentary uses (low impact uses affected by high impact uses).
21. Tree spacing can be averaged.
22. Practical impediments to tree planting allow for off-site mitigation by developers through tree fund.
23. Tree committee to hear appeals or alternative methods of meeting ordinance intent.

ATTACHMENTS: SUMMARY OF ORDINANCE
 ISSUES AND RECOMMENDATIONS
 REVISED ORDINANCE

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS
 SUMMARY OF ORDINANCE

SEC. 291-INTENT	AESTHETIC APPEARANCE OF CITY
	IMPROVE ENVIRONMENT (AIR/WATER QUALITY, REDUCE STORMWATER RUNOFF, MUFFLE NOISE, SHADE/ENERGY CONSERVATION, WATER CONSERVATION)
	REDUCE NOISE & GLARE, SOFTEN HARSH URBAN ENVIRONMENT
	ESTABLISH PROCEDURES FOR ADMINISTRATION & ENFORCEMENT
	MAINTAIN/INCREASE PROPERTY VALUES
	PRESERVE EXISTING TREES & INCORPORATE NATIVE PLANTS INTO SITE DESIGN
	PUBLIC INFORMATION & EDUCATION
SEC. 94-292-DEFINITIONS	
SEC. 94-293-TREE COMMITTEE	ADVISORY COMMITTEE APPOINTED BY MAYOR – NO DUTIES ASSIGNED
SEC. 94-294-TREE PROTECTION	PROTECTED TREES-8” DIAMETER AT BREAST HEIGHT (DBH) CALIPER & LARGER
	EXEMPT: SINGLE-FAMILY & MOBILE HOMES, SINGLE-FAMILY ZONING, AGRICULTURAL, BOTANICAL GARDENS & NURSERIES, TREES ENDANGERING HEALTH & PROPERTY, TREES IN PARKS, TREES W/IN BLDG. FOOTPRINT OR 10 AROUND IT, HAZARD TO POWERLINES, DEAD OR EXOTIC TREES
	PERMIT REQUIRED FOR PROTECTED TREE REMOVAL
	CRITERIA FOR CONSIDERATION OF PERMIT: IMPACT ON AESTHETIC & ENVIRONMENTAL QUALITY, SAFETY, EXTENT OF DISEASE, EROSION/RUNOFF IMPACTS, MITIGATION PLAN, SPECIES & SIZE
	LIVE OAKS REPLACED WITH LIVE OAKS
	PLANNING BOARD APPROVES TREE REMOVAL OVER 36” DBH
	TREE REPLACEMENT/MITIGATION: 1/3 OF DBH INCHES EXCEPT 2/3 WHEN MATURE TREE CANOPY SIGNIFICANTLY IMPACTED (INTERPRETED AS MORE THAN 50% OF TOTAL DBH)
	MITIGATION THROUGH RELOCATION OF TREES ON SITE, PROTECTION OF UNPROTECTED TREES (LESS THAN 8” DBH), AND TREE PLANTING
	TREE BARRICADES REQUIRED DURING DEVELOPMENT AROUND UNDISTURBED AREA AT LEAST 50% OF DRIPLINE
	APPEALS TO BOARD OF ZONING APPEALS
	PERMIT FEE : \$25

PART II - MUNICIPAL CODE
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SEC. 94-295-GENERAL LANDSCAPE REQUIREMENTS	APPLICABLE TO NONRESIDENTIAL DEVELOPMENT & MULTI-FAMILY 3 OR MORE UNITS
	INSTALLATION: ACCEPTED COMMERCIAL PLANTING PROCEDURES, LANDSCAPE AREAS PROTECTED BY WHEEL STOPS OR CURBING, CURBS PERFORATED TO ALLOW DRAINAGE INTO LANDSCAPED AREA
	LANDSCAPING MAINTAINED TO "PRESENT A NEAT, HEALTHY, & ORDERLY APPEARANCE"
	IRRIGATION REQUIRED – UNDERGROUND SYSTEM OR EXPOSED SPRINKLERS
	PROPERTY OWNERS TO MAINTAIN AND CONTROL LIMBS & FOLIAGE OVER PUBLIC RIGHT-OF-WAY (10' OVER SIDEWALKS & R-O-W \$ 14' OVER ROADS)
	PLANT MATERIALS: FLORIDA NO. 1 OR BETTER
	PLANTED TREES AT LEAST 10' HIGH & 1.5" DBH
	PLANTED SHRUBS: MINIMUM 24" HIGH & 15" WIDE
	VINES: 30" HIGH AFTER 6 MONTHS FROM PLANTING
	SOD GRASS USED IN SWALES & OTHER AREAS SUBJECT TO EROSION
	PLANTERS ALLOWED, AT LEAST 10 SF & 15' DEPTH
	EXOTIC TREES NOT ALLOWED FOR LANDSCAPE CREDIT
	TREE CREDITS: 2-7" DBH-1; 7-12" DBH-2; 12-20" DBH-3; 20'+-4 – DOES NOT SPECIFY IF A CREDIT APPLIES TO A TREE OR DBH VALUE
	TREE CREDIT TREES: PLANTING AREA AT LEAST ½ RADIUS OF CROWN SPREAD UP TO 10' AROUND TREE, NOT LESS THAN 2.5'
	REQUIRED TREE TYPE RATIO: CANOPY & UNDERSTORY TREES-50% MAX, PALMS 15% MAX

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SEC. 94-296-SPECIFIC LANDSCAPE REQUIREMENTS	BUFFER TABLE – LANDSCAPE AREAS ALONG PROPERTY LINES, BUFFER TYPES (A, B, ETC.) (ALSO SEE TABLE 94-303, DEVELOPMENT MUST MEET STRICTER BUFFER OF 2 TABLES)							
	Use Of Adjacent Parcel	Use of Parcel Being Developed						
	Use of Adjacent Parcel	Single-Fam. Subdivision	Multi family	Office	Comm-ercial	Indus-trial	Instit-utional	Public ROW
	Single-family	None	A	B	B	C	B	None
	Multi family	None	None	A	B	B	A	None
	Office	None	None	None	A	B	A	None
	Commer-cial	None	None	None	None	B	A	None
	Indust-rial	None	None	None	None	None	A	None
	Instit-utional	A	A	A	A	B	None	None
	Public ROW	A	A	A	A	A	A	None
	VARIANCE FROM TABLE ALLOWED TO SAVE NATIVE VEGETATION & TO ACHIEVE AESTHETIC PURPOSES OF BUFFER ZONE							
	WITH NEW DEVELOPMENT ADJACENT TO EXISTING RESIDENTIAL USE, BUFFER MUST BE 80% OF COMBINED BUFFER ZONES OF TWO USES							
	INTERIOR/PARKING LOT LANDSCAPING: 10 SF LANDSCAPED AREA PER PARKING SPACE (FOR AREAS WITH 5+ SPACES OR W/ BUILDINGS 1500+ sf), AND 25 SF LANDSCAPED AREA PER 500 SF OF PAVED AREA (FOR PAVED AREAS GREATER THAN 1000 SF)							
	PARKING LOT LANDSCAPE ISLANDS: MINIMUM 100 SF IN SIZE & 5' WIDE, CONTAINS ONE TREE							
	PARKING LOT: CURBING OR WHEEL STOPS REQUIRED							
NOT MORE THAN 12 PARKING SPACES UNINTERRUPTED BY LANDSCAPE ISLAND								
LANDSCAPING CAN BE SHIFTED TO PERIMETER AREAS FOR AREAS WHERE THEY IMPEDED FUNCTION OF AREA (LOADING ZONES, CAR DISPLAY SALES)								
NEW NONRESIDENTIAL CONSTRUCTION REQUIRES LANDSCAPE PLANS BY LICENSED FLORIDA-REGISTERED LANDSCAPE ARCH. OR OTHER PROFESSIONAL AUTHORIZED BY LAW TO PRACTICE LANDSCAPE DESIGN								
SIGHT DISTANCE TRIANGLE: AT INTERSECTIONS VISIBILITY MUST BE MAINTAINED 10' FROM R-O-W INTERSECTION BETWEEN 2.5' AND 10' ABOVE STREET LEVEL								
APPEALS TO ZONING BOARD OF APPEALS								

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
 TREE PRESERVATION AND LANDSCAPING STANDARDS
 SUMMARY OF ORDINANCE

SEC. 94-300-PURPOSE	REDUCE ADVERSE IMPACTS BETWEEN USES; PROTECT PUBLIC HEALTH, SAFETY, WELFARE BY MINIMIZING NOISE, AIR, DUST, AND VISUAL POLLUTION, REDUCING HEAT & GLARE, PRESERVING PROPERTY VALUES AND NEIGHBORHOOD CHARACTER, CONTROL EROSION, & IMPROVE AESTHETIC APPEAL OF CITY
SEC. 94-301-DEFINITIONS	REDEVELOPMENT: DEMOLITION & REBUILDING OR EXPANSION OF 50% OR MORE OF BUILDING'S SQUARE FOOTAGE
	CANOPY TREE: HEIGHT GREATER THAN 35'
	UNDERSTORY TREE: HEIGHT LESS THAN 35'
SEC. 94-302-APPLICABILITY	BUFFERS REQUIRED FOR: <ul style="list-style-type: none"> • FUTURE LAND USE AMENDMENTS, • REZONINGS, • CONDITIONAL USES, • REDEVELOPMENT (SITES 2 ACRES OR LESS ADDITIONS OR EXPANSIONS GREATER THAN 5000 SF; SITES GREATER THAN 2 ACRES ADDITIONS OR EXPANSIONS GREATER THAN 10,000 SF) • ADDITIONS OR EXPANSIONS LESS THAN 100 FEET FROM ANY PROPERTY LINE (APPLICABLE ONLY TO ENCROACHED-UPON PROPERTY LINE), • ADDITIONS OR EXPANSIONS ABUTTING SINGLE OR TWO FAMILY ZONED AREAS (APPLICABLE ONLY TO ENCROACHED-UPON PROPERTY LINE)

PART II - MUNICIPAL CODE
 Chapter 94 - ZONING
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 SUMMARY OF ORDINANCE

SEC. 94-303-BUFFER DETERMINATION	BUFFER INSTALLATION MAY BE DELAYED UNTIL CONSTRUCTION COMMENCES, THE CONTIGUOUS USE IS INITIATED, OR C.O. IS REQUESTED FOR ADJACENT UNDEVELOPED LOT					
	Zoning of adjacent parcel	Zoning of parcel proposed for development/redevelopment/expansion				
		CON	ROS, OR	R-1AA, R-1A, R-1, R-2	R-3, R-4	
	CON	-	-	A	B	
	ROS, OR	-	A	A	B	
	R-1AA, R-1A, R-1, R2	A	A	-	B	
	R-3, R-4	A	A	A	B	
	C-1A, C-1	A	A	B	C	
	DB, DR	A	A	B	C	
	PBG-1, AP-1	A	A	C	C	
	C-2	A	A	C	D	
	M-1, PBG-2, AP-2	A	A	D	D	
	Zoning of adjacent parcel	Zoning of parcel proposed for development/redevelopment/expansion				
		C-1A, C-1	DB, DR	PBG-1, AP-1	C-2	M-1, PBG-2, AP-2
	CON	C	-	D	D	D
	ROS, OR	C	-	C	C	D
	R-1AA, R-1A, R-1, R2	C	-	C	D	D
	R-3, R-4	C	-	C	C	D
	C-1A, C-1	-	-	B	B	D
DB, DR	C	-	B	B	D	
PBG-1, AP-1	C	-	B	B	C	
C-2	A	-	A	A	C	
M-1, PBG-2, AP-2	C	-	A	A	B	

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SEC. 94-304-BUFFER CATEGORIES				
	CATEGORY A			
	Option 1	Option 2	Option 3	
Width of Buffer	5 feet	10 feet	20 feet	
Number of Canopy Trees per 100 linear feet	0	0	Undisturbed Natural Vegetation	
Number of Understory Trees per 100 linear feet	0	2	Undisturbed Natural Vegetation	
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	15	Undisturbed Natural Vegetation	
Fence, Wall or Earth Berm	6 to 8 foot wood stockade fence or masonry wall	None Required	None Required	
	CATEGORY B			
	Option 1	Option 2	Option 3	
Width of Buffer	15 feet	10 feet	20 feet	
Number of Canopy Trees per 100 linear feet	1	0	Undisturbed Natural Vegetation	
Number of Understory Trees per 100 linear feet	4	4	Undisturbed Natural Vegetation	
Number of Shrubs/Ornamental Grasses per 100 linear feet	<u>25</u>	20	Undisturbed Natural Vegetation	
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required	

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SEC. 94-304-BUFFER CATEGORIES (CONT'D)	CATEGORY C			
		Option 1	Option 2	Option 3
	Width of Buffer	20 feet	10 feet	30 feet
	Number of Canopy Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
	Number of Understory Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
	Number of Shrubs/Ornamental Grasses per 100 linear feet	20	20	Undisturbed Natural Vegetation
	Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required
	CATEGORY D			
		Option 1	Option 2	Option 3
	Width of Buffer	40 feet	30 feet	75 feet
	Number of Canopy Trees per 100 linear feet	6	4	Undisturbed Natural Vegetation
	Number of Understory Trees per 100 linear feet	6	5	Undisturbed Natural Vegetation
	Number of Shrubs/Ornamental Grasses per 100 linear feet	33	<u>25</u>	Undisturbed Natural Vegetation
	Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

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	STREET FRONTAGE BUFFER			
	2 acres or les		Greater than 2 acres	
	Option 1	Option 2	Option 1	Option 2
Planting strip adjacent to public ROW	8 feet	5 feet	10 feet	7 feet
Number of large trees per 100 linear feet of frontage or fraction	1	2	1	2
Number of shrubs per 100 linear feet or frontage of fraction	<u>25</u>	30	<u>25</u>	30
Maximum height of a berm at 3:1 slope	6 feet	2 feet	6 feet	2 feet
BERMS MAX SLOPE OF 3:1, MINIMUM CROWN WIDTH 2', PLANTED WITH GROUND COVER				
SEC. 94-306-LOCATION OF BUFFERS	ALONG LOT PERIMETERS, STREET BUFFERS MAY BE IN R-O-W FENCE: BEST SURFACE FACES ADJACENT PROPERTY			
SEC. 94-307-PLANTING SPECIFICATIONS	GRASS LIMITED TO LAWN GRASS			
	BUFFER CANOPY TREES: MINIMUM 8' HIGH, 2' DBH CALIPER, MATURE CROWN SPREAD OF AT LEAST 25 FEET, PLACED 20' OUTSIDE OF OVERHEAD WIRES			
	BUFFER UNDERSTORY TREES: MINIMUM 5' HIGH, 1.5' DBH CALIPER, MATURE CROWN SPREAD OF AT LEAST 15 FEET			
	SHRUBS & ORNAMENTAL GRASS: MINIMUM 12" HIGH WHEN PLANTED, 18" FOR HEDGES, PLANTED AT LEAST 30" ON CENTER APART			
	PLANTINGS SHOULD NOT BE EVENLY SPACED OR PLANTED IN STRAIGHT LINE			
	IRRIGATION OR TEMPORARY WATERING SYSTEM REQUIRED			
	PROTECTED TREES DOUBLE COUNT TOWARD BUFFER REQUIREMENT			
SEC. 94-308-TIMING OF BUFFER INSTALLATION	PROPERTY OWNER AND SUCCESSOR RESPONSIBLE FOR MAINTAINING BUFFER			
	APPLICANT MAY SUBMIT AFFIDAVIT REQUESTING POSTPONEMENT OF PLANTING UNTIL BETTER GROWING SEASON TIME			

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SEC. 94-310-EXCEPTIONS & MODIFICATIONS	CBD EXEMPTION MODIFICATIONS REQUESTED IN WRITING WHEN NATURAL LAND CHARACTERISTICS SUCH AS TOPOGRAPHY OR EXISTING VEGETATION ACHIEVES THE SAME INTENT, OR IF INNOVATIVE BUFFERING OR ARCHITECTURAL DESIGN PROVIDES EQUIVALENT SCREENING OR BUFFERING EFFECT
SEC. 94-311 – SCREENING REQUIRED FOR TRASH AREAS, DUMPSTERS, AND OUTDOOR STORAGE AREAS VISIBLE FROM ANY PUBLIC STREET OR FROM RESIDENTIAL USES OR ZONES	SCREENED BY PLANTS, OPAQUE FENCING, OR MASONRY WALLS ON 3 SIDES TO PROVIDE BETWEEN 6’ AND 8’ OF VERTICAL VISUAL OBSTRUCTION
SEC. 94-312-VARIANCES	BOARD OF ZONING APPEALS

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ISSUE	RECOMMENDATION
PLANT LIST	
<u>Plant List.</u> No listing of approved plants	Provide list of approved canopy trees, understory trees, shrubs, and groundcovers, including appropriate locations (street, parking lot) and water/irrigation zone. Allow for flexibility from list with justification provided.
BUFFERS	
<u>Buffering in Both Articles.</u> Screening and buffering is in both landscape sections.	Combine buffering and screening into one section, with the other section remaining Tree Preservation.
<u>Buffer Tables.</u> Seven buffer tables with varying requirements, in both Articles.	Consolidate buffer tables into one master table.
<u>Property Line Buffers.</u> Some required buffers are “wasted space,” like buffers between two commercial uses. Recommend focusing on strategic landscaping standards (see below).	Eliminate required buffers between like zoning (Commercial-to Commercial for example) and replace with minimum open space requirement and tree point system
<u>Effective Tree Screening.</u>	Require evergreen trees for use in buffers between incompatible uses (commercial next to residential, for example).
<u>Trees vs. Shrubs.</u> Unreasonable shrub requirement, often requiring a hedge along all property lines, but few trees required in many cases.	More emphasis on tree to provide for needed shade and improved aesthetics. Retain hedges to screen uncomplimentary uses and parking lots.
<u>Conservation Areas.</u> Buffers not required.	Rework into master buffer table.
MAINTENANCE	
<u>Tree maintenance standards</u> [94-295(b)(2)a]. Lack of such standards.	Require proper pruning procedures using accepted horticultural practices; prohibit harmful pruning practices like “lolipopping” and “hat-racking” (applicable only to required parking lot, buffer, and street shade/canopy trees.
STRATEGIC LANDSCAPING	
<u>Targeted Landscaping.</u> Scattered required landscaping, need more strategic approach.	15% required landscaping in “Street Yard” (area between right-of-way and front wall of building), applicable to nonresidential and multi-family development. Public will benefit from greening of main corridors, encourage shifting of parking to rear and side of buildings and landscaping along front building wall.
<u>Off-site mitigation.</u>	When not practicable to meeting planting requirements on-site, allow for off-site mitigation in nearby public areas (right-of-way, parks).
<u>Xeriscaping.</u> No xeriscaping/use of drought tolerant/native plants required or promoted.	Favor native and drought tolerant plants in point system.

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ISSUE	RECOMMENDATION
<u>Low Impact Development</u> . Encourage integration of stormwater retention with landscaping.	Revise accordingly to allow for and incentivize “rain gardens”/bioretention areas, to reduce pond size and better filter stormwater.
<u>Conditional Use</u> requires total compliance with landscape code [94-302(b)(3)], can be onerous for existing businesses.	Proportional and flexible compliance for existing developments.
<u>Existing Uses</u> . Arbitrary figure of two acres for increased compliance.	Proportional compliance.
TREE PRESERVATION	
<u>Tree Point System</u> . Ordinance does not call for strategic tree preservation and long term restoration of urban tree canopy.	Adopt tree point system where a site has to earn a level of tree points – points to be based on caliper and weighted for location.
<u>Tree credits</u> [94-295(d)] – unclear whether credits apply to caliper (diameter of tree at breast height) or tree count.	Revise to indicate credits apply to caliper tree size.
<u>Age diversity</u> : incentive to keep trees between 1-2” caliper (new trees) and 8” (protected trees).	Tree point system will encourage retention of smaller trees in place of putting in “tiny” new trees.
<u>Species diversity</u> . Risk of tree “monoculture” that is susceptible to disease.	Require different type trees for larger projects.
<u>Live Oak Replacement</u> . Requirement that live oaks be replaced with live oaks [94-294(c)6] is not necessary, deters species diversity and site specific needs, defers canopy growth as live oaks grow slow.	Eliminate requirement.
<u>Administrative variances</u> .	Allow in limited fashion to preserve trees.
PARKING LOTS	
<u>Parking Lot Green Space</u> . Low requirement for 25 SF landscape area for every 500 SF paved area is low.	Revise to at least 50 SF LS area per 500 SF paved area to achieve 10% landscape area in parking lots
<u>Landscape Island Size</u> . Minimum 5’ width and 100 SF parking lot landscape island insufficient to support trees [94-296(b)(2)].	Use standard parking space size for island, which will also assist designers in moving planned islands around
<u>Terminal islands</u> . Parking row terminal islands not clearly required [94-296(b)]. Provides for shade and better controls vehicle movement.	Require terminal row landscape islands with shade trees.
<u>Landscape Island Shade Tree Flexibility</u> .	Allow for flexibility on not requiring shade trees in islands when they can be planted strategically (to the south or west) of such areas to effectively provide shade
<u>Landscape Island Frequency</u> . Code now allows 12 parking spaces uninterrupted.	Lower to not more than 10.

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ARTICLE VI. - LANDSCAPING AND TREE PROTECTION

[Sec. 94-291. - Intent and general policy.](#)

[Sec. 94-292. - Definitions.](#)

[Sec. 94-293. - Tree committee.](#)

[Sec. 94-294. - Tree protection.](#)

[Sec. 94-295. - General landscape requirements.](#)

[Sec. 94-296. - Specific landscape requirements.](#)

[Secs. 94-297—94-299. - Reserved.](#)

Sec. 94-291. - Intent and general policy.

It is the intent of this article to promote the health, safety and welfare of the current and future residents of the city by establishing minimum standards for the installation and continued maintenance of landscaping and the protection of trees within the city in order to:

- (1) Improve the aesthetic appearance of commercial, governmental, industrial and residential areas through the incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment.
- (2) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air and water quality;
 - b. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - c. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation;
 - d. Promoting energy conservation through the creation of shade, thereby reducing heat gain in or on buildings or paved areas;
 - e. Reducing the temperature of the microclimate through the process of evapotranspiration; and
 - f. Encouraging the conservation of water through the use of site-specific plants, various planting and maintenance techniques, and efficient watering systems.
- (3) Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- (4) Establish procedures and standards for the administration and enforcement of this section.
- (5) Promote creative site development concepts in order to promote water and energy conservation.
- (6) Increase and maintain the value of land by requiring a minimum amount of landscaping to be incorporated into development.
- (7) Preserve existing natural trees and vegetation and incorporate native plants, plant communities and ecosystems into landscape design where possible by promoting landscaping methods that provide for the preservation of existing plant communities.
- (8) Assist in public information, the education of its citizens, and the effective implementation of this article.

(Code 1981, app. C, § 26-7(6))

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Sec. 94-292. - Definitions.

For purposes of this article, the following definitions shall apply:

Bona fide agricultural purposes means good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) The length of time the land will be so utilized.
- (2) Size of the land, as it relates to specific agricultural use.
- (3) Whether such land is subject to a lease, and, if so, the effective length, terms and conditions of the lease.
- (4) The intent of the landowner to sell or convert the land for or to nonagricultural purposes.
- (5) The proximity of the property to existing urban or metropolitan development.
- (6) The productivity of land in its present use.
- (7) The relationship of the property to the comprehensive plan.
- (8) The classification placed upon such lands by the property appraiser pursuant to F.S. § 193.461.
- (9) The current zoning classification of such lands.

Buffer yard or strip means a strip of land, identified on a site plan or by zoning requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

Caliper means the diameter of a tree measured six inches off the ground.

Crown means the main mass of branching of a plant above ground.

DBH means diameter at breast height, or the diameter of a tree measured 4½ feet above the ground level.

Developed area means that portion of a plot or parcel upon which a building, a structure, surface drive area, gravel or landscaping has been placed.

Development means any proposed material change in the use or character of the land, including but not limited to land clearing associated with new construction, the placement of any structure or site improvement on the land, or expansion of existing buildings.

Dripline means a vertical line extending from the outermost branches of a tree to the ground.

Ecosystem means a characteristic assemblage of plant and animal life with a specific physical environment, and all interactions among species and between species and their environment.

Exceptional specimen tree means any tree which is determined by the city commission to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value, or any tree designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association. The building and zoning department shall keep a record of all specimen trees so designated and their location.

Frontage means the linear distance measured along all abutting street rights-of-way.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground (not including grass).

Hedge means a landscape barrier consisting of a continuous dense planting of shrubs.

Irrigation system means a permanent artificial watering system designed to transport and distribute water to plants.

Landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Landscape development means trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this section, or an unenclosed area of land in which landscape materials are placed, planted and maintained.

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Landscape plan means a scale drawing that indicates all planting areas, and existing and proposed plant materials, designating species, quantity and location.

Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls or fences).

Mulch means nonliving organic materials customarily used in landscape design to retard erosion and retain moisture.

Open space means all areas of natural plant communities or areas replanted with vegetation after construction, such as revegetated natural areas, tree, shrub, hedge or ground cover planting areas, and lawns; and all other areas required to be provided as natural ground and landscaping pursuant to this chapter.

Planting area means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a minimum inside dimension of 18 inches on any side.

Protected tree means any tree with a DBH greater than or equal to eight inches.

Relocation of a tree means an act to relocate a tree being removed to an appropriate new location on the site.

Removal of a tree means physical removal by mechanical methods, such as excavation, chain saw and stump removal.

Runoff water means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

Shrub means a self-supporting woody, deciduous, evergreen perennial and/or flowering species characterized by multiple stems and branches arising from a main root.

Street line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

***Streetyard* means the area between a street property line and the front wall of a building.**

Trees means self-supporting woody perennial plants, having usually single self-supporting trunks, which normally grow to a minimum overall height of 15 feet and a mature crown spread greater than 15 feet. These trunks shall be clear of branches and limbs so that both trunk and canopy are distinct.

Vehicle means a form of transportation, including motorized and nonmotorized vehicles designed and required to be licensed for use upon a highway in the state.

Vehicle use areas means any surface drive areas (except public rights-of-way) used for the purpose of driving, parking, storing or display of vehicles, boats, trailers or mobile homes, including new and used car lots and other open lot uses. Parking structures, drive-in parking areas covered to the dripline of the covering, and garages shall not be considered as vehicle use areas.

Vines means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.

(Code 1981, app. C, § 26-7(6))

Cross reference— Definitions generally, § 1-2.

Sec. 94-293. - Tree committee.

The mayor shall appoint a tree committee consisting of one commissioner and six citizens who will serve at the pleasure of the commission.

(Code 1981, app. C, § 26-7(6); Ord. No. 98-6, § 1, 2-26-1998)

Sec. 94-294. - Tree protection.

- (a) *Applicability.* The provisions of this section shall apply to all protected and preserved trees within the city, unless specifically exempted in this subsection.
- (b) *Removal of protected trees prohibited; exceptions.*

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- (1) No person, or any agent or representative thereof, directly or indirectly, shall cut down, remove, damage or destroy or shall authorize the cutting down, removal, damage or destruction of any protected tree as defined in section 94-292 of this section, or shall commit any act or authorize the commission of any act which physically removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals or paving, changing the natural grade above the root system, and tree damage permitting infection or pest infestation, without first having obtained a permit as provided in subsection (c) of this section and providing tree protection as provided in subsection (d) of this section.
- (2) The following protected trees are exempted from the provisions of this section:
- a. Any tree located on any property which contains a single-family dwelling or a mobile home.
 - b. Any tree located on any property zoned R-1AA, R-1A or R-1.
 - c. Any tree located on any property which is in use for bona fide agricultural purposes.
 - d. Any tree located in botanical gardens or in state-approved government nurseries and groves which are grown for sale or public purpose.
 - e. Any tree that poses imminent danger to the public health, welfare or safety, and requires immediate removal without delay. In such instance, verbal authorization to remove a protected tree may be given by the city manager or his designee.
 - ~~f. Any tree located on an existing or planned public recreation facility.~~
 - ~~g. Any tree located on all real property in areas inside and up to ten feet from an existing or proposed building foundation line.~~
 - h. Any tree that an ~~local~~ electric company determines is an immediate or potential threat or hazard to existing or planned power lines.
 - i. Any dead or dying tree, scrub oak, Melaleuca spp., poison wood, camphor tree or Australian pine.
- (3) During the period of an emergency such as a hurricane, flood or other natural disaster, the requirements of this subsection may be temporarily waived by the city manager so that private or public work to restore order in the city will in no way be hampered.

NO JUSTIFICATION FOR EXEMPTION. TREE LOSS SHOULD BE MITIGATED REGARDLESS OF USE OR DEVELOPMENT PLAN

(c) *Permit for removal, relocation or replacement of protected trees.*

- (1) Permits for site clearing and the removal or relocation of a protected tree shall be obtained by filing an application with the building and zoning department. Approval of the application and issuance of a permit by the building and zoning department shall be required prior to any land clearing or grubbing, prior to any disturbance of the root system or site development, or prior to the occurrence of any changes to an existing developed site. The site shall be inspected to ensure compliance with the approved site plan prior to any additional permits being issued. Applications for site clearing and tree removal or relocation shall include the following: A site plan, at a scale which clearly illustrates the requirements of this section, showing the lot configuration; the location and identification of existing and proposed improvements, if any, including structures, water retention areas, paving grade changes, utilities, easements and street rights-of-way or approved private streets; and the location and identity, by botanical or common name and caliper, of protected trees to be removed, relocated or retained.
- (2) An application for a permit for site clearing or for removal or relocation of a protected tree with

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- a DBH of 36 inches or less shall be reviewed by the building and zoning department, and a decision shall be made thereon within five working days after receipt of such application or concurrent with building permit application review.
- (3) An application for a permit for removal or relocation of a protected tree with a DBH greater than 36 inches or a specimen tree shall be reviewed by the planning board at the first available meeting of the planning board.
- (4) The approval, conditional approval or denial by the building and zoning department or planning board of an application for a tree removal permit, as required by this section, shall be based on the following criteria:
- a. The extent to which tree removal decreases aesthetic and environmental quality, land values and physical benefits to human beings.
 - b. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services.
 - c. The necessity to remove trees which pose a safety hazard to buildings or other trees.
 - d. The necessity to remove diseased trees or trees weakened by age, weather, storm, fire or acts of God or which are likely to cause injury or damage to people, buildings or other improvements on a lot or parcel of land.
 - e. The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams or rivers through runoff or erosion.
 - f. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees which are proposed to be cleared.
 - g. The topography of the land and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface water.
 - h. Construction of proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes.
 - i. The land use and natural vegetative ground coverage of surrounding property.
 - j. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit.
 - k. The species and size of the tree proposed for removal.
- (5) Any relocation of trees in compliance with this section shall be performed in accordance with accepted industry practices, including watering to ensure survival of transplanted stock.
- (6) Protected trees identified for removal on the site clearing or tree removal application shall be replaced with new planted trees, unprotected trees or transplanted trees. Protected live oaks (*Quercus virginiana*) and all trees with a DBH greater than 36 inches removed shall be replaced only with live oaks. ~~The total DBH inches of replacement live oaks shall equal two thirds of the total DBH inches of protected live oaks and trees with a DBH greater than 36 inches removed (i.e., one 12-inch live oak removed could be replaced with two four-inch live oaks (8/12 equals two thirds)).~~ For ~~other removed~~ protected trees, the total DBH inches of replacement trees shall equal one-third of the total DBH inches removed (i.e., one 12-inch tree removed could be

MITIGATION RATIO SHOULD BE APPLIED ACROSS THE BOARD FOR CONSISTENCY PURPOSES. TREE PRESERVATION INCENTIVES WILL ALLOW FOR HIGHER TREE CREDITS FOR EXISTING TREES IN SEC. 94-295(D)(2).

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replaced with one four-inch tree (4/12 equals one-third). When there is significant loss of mature tree canopy or specimen trees on a particular site as demonstrated by loss of more than 55% of non-exempt tree DBH, the size of replacement trees ~~may~~ shall be increased by up to twice the minimum DBH by the building and zoning department in order to compensate for that loss. If multi-trunked trees are used as replacement trees, then the total caliper of the four largest trunks shall equal the replacement DBH. New palms may be used only to replace protected palms removed. Replacement species used shall be approved by the building and zoning department. No replacement will be required for protected trees which are determined by the building and zoning department to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning or other acts of nature.

- a. New replacement trees shall meet the minimum standards for landscape materials established by section 94-295(b).
- b. Existing smaller trees which are not protected trees, but which are either transplanted or not removed, may be utilized to satisfy tree replacement requirements, consistent with city landscaping requirements contained in sections 94-295 and 94-296
- c. Existing protected trees which would otherwise be removed from the site because of development may be utilized to satisfy tree replacement requirements if transplanted to a location on the site which meets the landscaping requirements contained in sections 94-295 and 94-296
- d. If protected tree removal is associated with new development, the name, size and location of all replacement trees shall be shown on the required landscape plan and such trees shall be installed prior to the final building inspection. Otherwise, the name, size and location of the required replacement trees shall be shown on the site plan required for site clearing or tree removal and such trees shall be installed within the time limit stated on the site clearing or tree removal permit.
- e. Existing nonprotected trees, transplanted trees and new trees used for replacement become protected trees.
- f. Replacement trees shall be maintained pursuant to the requirements of section 94-295(b), pertaining to installation and maintenance.
- g. Replacement trees may be used to satisfy the tree requirements of sections 94-295 and 94-296
- h. A tree used for replacement shall be at least ten feet from any other tree planted, transplanted or preserved.

(d) *Tree protection during development.* All protected trees, and trees retained for tree credit under this section, shall be protected from injury during any land clearing or construction in the following manner:

- (1) Prior to any land clearing operations, tree limbs which interfere with construction shall be removed and temporary barriers shall be installed around all trees to remain within the limits of land clearing or construction and shall remain until the completion of the work. The temporary barrier shall be at least three feet high, shall be placed at least six feet away from the base of any tree, and shall include at least 50 percent of the area under the dripline of any protected tree retained for tree credit. The barrier shall consist of either a wood fence with two-by-four posts placed a maximum of eight feet apart with a two-by-four minimum top rail, ~~or a temporary wire mesh fence,~~ or other similar substantive barrier which will limit access to the protected area.

MESH FENCE/TAPE ARE INEFFECTIVE AND ARE TYPICALLY PUSHED ASIDE
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- (2) No materials, trailers, equipment or chemicals shall be stored, operated, dumped, buried or burned within the protected areas. No attachment, wires (other than protective guy wires), signs or permits shall be attached to a protected tree.
- (e) *Correction of violations; appeals; permit fee.*
 - (1) *Correction of violations.* A violation of this section shall be corrected as follows: By replacing the protected trees removed without a permit with new planted trees, unprotected trees or transplanted trees. The total DBH inches of replacement trees shall equal the total DBH inches removed (i.e., one 12-inch tree removed could be replaced with three four-inch trees). A tree replanting plan showing how the damage caused to the site by the violation will be mitigated shall be subject to the review and approval of the building and zoning department. No work shall be allowed on the property where the violation occurred without payment of required fees and approval of the tree replanting plan.
 - (2) *Appeals.* A person aggrieved by an administrative order, determination or decision of the building and zoning department may appeal the order, determination or decision to the board of zoning appeals for a variance from the requirements of this subsection.
 - (3) *Permit fee.* The fee for a site clearing and/or tree removal/relocation permit shall be as set out in appendix A to this Code, as amended from time to time.

(Code 1981, app. C, § 26-7(6))

Sec. 94-295. - General landscape requirements.

- (a) *Scope.* This section shall apply to all multifamily development of three or more units, and nonresidential development. In those instances where a structure is enlarged or a change of use occurs so that an increase in required parking or loading results under this chapter or any other city ordinance, landscaping shall be provided in accordance with this section and section 94-296. All areas and uses which require landscaping shall meet or exceed the general landscaping requirements in this section, which shall be considered complementary to the landscaping provisions of any other city ordinance.
- (b) *Installation and maintenance.* The installation and maintenance of landscaping shall be subject to the following:
 - (1) *Installation.* All landscaping shall be installed according to accepted commercial planting procedures. All landscape areas shall be protected from vehicular encroachment by wheel stops or curbing. If curbing is used abutting landscaped areas, it shall be perforated to permit drainage from the surface drive area into the landscaped areas.
 - (2) *Maintenance; trimming of branches extending over public right-of-way.*
 - a. The owner of a property with landscaping required by this Code shall be responsible for the maintenance of all landscaping in good condition so as to present a neat, healthy and orderly appearance free of refuse and debris. All landscaped areas shall be provided with an irrigation system. This system shall consist of either an underground or exposed sprinkler equipped with a time or manual switch and/or a readily available water supply outlined on a landscaping plan, as required by section 94-296(d). Maintenance shall include the prompt replacement of all dead plant material.
 - b. *Pruning and trimming.* Trees required within nonresidential or multi-family development as shade/canopy trees in parking lots and roadway buffers or screening elements in buffers shall be pruned only as necessary to promote uniform healthy growth. Trees shall be allowed to attain their natural size. Trees may be pruned to remove diseased or dying portions in areas where falling limbs may be a hazard to

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people or property. Lower limbs and suckers may be selectively removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow for a clearance of ten feet from ground level to avoid potential for damage or injury to vehicles and pedestrians. However, excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of leaf mass shall be prohibited. Severe cutting back of lateral branches and canopy or toppings or hatracking trees is expressly prohibited. Pruning restrictions shall not apply to trees under power lines. Pruning cuts shall be made just outside the branch collar, identified as the swelling where a branch joins the trunk of a tree.

- c. It shall be the duty of the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, having control of any lot or parcel of real estate in the city, to maintain and control the limbs and foliage of trees and shrubs extending over the public right-of-way. Limbs and foliage are to be trimmed so as to provide clearance of at least ten feet above sidewalks and public rights-of-way, and of at least 14 feet over public streets and roadways. This subsection shall apply to all trees on private property, as well as to all trees planted by the owner, lessee or occupant, or the agent, representative or employee of any such owner, lessee or occupant, whether located on private property or located between private property lines and the street curb or edge.
- d. The Department of Building and Zoning shall be responsible for enforcement of landscape maintenance standards.

(c) *Plant materials.* Plant materials are subject to the following:

- (1) *Quality.* Plant materials used in conformance with the provisions of this subsection shall conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, Part I, and current edition, Part II, State of Florida Department of Agriculture and Consumer Services, Tallahassee, or equal thereof. Plant materials determined as not meeting these standards shall not be counted towards meeting the required amount of landscape materials.
- (2) *Trees.* Trees planted for credit ~~under section 9-295(d) toward tree preservation and buffer requirements~~ shall be a minimum of ~~ten-eight~~ feet in height and 1½ inches DBH, when measured immediately after planting. In the case of palms, the required measurement shall be six feet from ground level to the base of palm fronds. For the purpose of this subsection, two palm trees shall equal one tree credit. Trees shall be planted in planting areas having a minimum area of 25 square feet with a minimum distance of 2½ feet measured from the center of the tree trunk to the near edge of the landscape area.
- (3) *Shrubs.* Shrubs shall be a minimum of 24 inches high and 15 inches wide upon installation. Shrub species not commonly available from commercial nurseries that do not meet these requirements upon installation, but which will achieve required height and mass, may be used at the discretion of the building ~~and zoning~~ department. Good cause must be shown, with the burden of proof upon the applicant.
- (4) *Vines.* Vines shall be a minimum of 30 inches in height six months after planting and should be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

LOWER HEIGHT MORE AFFORDABLE, GROWTH RATE MAKES UP FOR TWO FEET QUICKLY

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- (5) *Ground covers.* Ground covers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete vegetative coverage within six months after planting.
- (6) *Lawn grass.* Solid sod grass shall be used in swales or other areas subject to erosion.
- (7) *Permanent architectural planters.* The use of permanent architectural planters may be permitted in fulfillment of landscape requirements. Such architectural planters shall contain not less than ten square feet and shall have a depth of not less than 15 inches.
- (8) *Mulching or covering of planting areas.* All planting areas shall be covered with grass or other ground cover (including inanimate materials such as bark, etc.,) where not otherwise landscaped. Mulch is required in all shrub beds. All other planting areas shall be covered with grass or ground cover.
- (9) *Trees not eligible for landscape credit.* The following trees are not native Florida tree species. They typically out-compete and cause the decline of native trees and have a high susceptibility to wind and cold damage. They are discouraged from use in landscaping in an effort to prevent additional distribution of the trees in the area. They may be used for landscaping, but will not count towards landscaping requirements noted in this section:
 - a. Tallow tree (Chinese tallow tree).
 - b. Camphor tree.
 - c. Australian pine.
 - d. Melaleuca (punk tree).

(d) *Credit for new trees and existing trees.*

- (1) *New trees.* Credit shall be given for each tree based on one-for-one DBH measurement, except that trees identified in Table 94-297 as high water zone trees shall receive two-thirds of DBH measurement credit. in accordance with the schedule which follows: Each new tree must be planted in a landscaped area of not less than 25 square feet. To ensure the proper development of the tree's crown, no canopy trees counted as credit shall be planted closer than 15-25 feet on center. Chinese fan and cabbage (sabal) palms counted as credit shall be planted with a minimum of two plants to an area. A credit of one tree shall be allowed for every two palms.
- (2) *Existing trees.* Existing native and healthy trees which are retained and preserved shall receive a weighted credit of 1.4 toward against the landscape area requirements according to the following schedule:

CLARIFY CONFUSING CREDIT. IT IS EQUITABLE TO TIE CREDITS TO DBH/TREE SIZE, WITHOUT CREDITS TIED TO RANGES

WEIGHTED CREDIT IS INCENTIVE TO KEEP EXISTING TREES AND THUS ACCUMULATE MORE POINTS

LOWER CREDIT FOR HIGH-WATER USE TREES PROMOTES XERISCAPING & CONSERVES WATER

Inches-DBH	Credits
2 to less than 7	1
7 to less than 12	2
12 to less than 20	3
20 or more	4

These credits shall apply where the preserved tree is in a planting area in which the area's least dimension is one-half of the radius of the crown spread of a tree up to ten feet, measured from the trunk center, and where no substantial grade changes within the landscape area are

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anticipated. In no case shall this least dimension be less than 2½ feet. To receive credit for trees, the applicant must submit a site plan locating all existing trees and indicating size and species. All trees retained for credit must be protected during all phases of construction, as set forth in subsection (c) of this section, pertaining to tree protection.

- (3) *Ratio of required trees.* The ratio of required trees is as follows:
Canopy trees = 50 percent minimum.
Understory trees = 50 percent maximum.
Palms = 15 percent maximum.

(Code 1981, app. C, § 26-7(6))

Sec. 94-296. - Specific landscape requirements.

~~(a) — Buffer zones.—~~

~~(1) — A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.—~~

~~(2) — The width and degree of vegetation required depends on the nature of the adjoining thoroughfares and uses. The standards of subsections (a)(3) and (4) of this section prescribe the required width and landscaping of all buffer zones.—~~

~~(3) — The standards for buffer zones are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer. THIS SECTION MOVED TO BUFFER SECTION~~

~~MINIMUM REQUIRED BUFFERS—~~

~~ADD FIGURE page 1712.17—~~

~~(4) — The standards in subsection (a) of this section shall be applied between abutting parcels as follows:~~

~~The standards in subsection (a) of this section shall be applied between abutting parcels as follows:~~

THIS SECTION MOVED
TO BUFFER SECTION

MULTIPLE BUFFER TABLES
CONSOLIDATED INTO ONE
TABLE IN BUFFER SECTION

	Use of Parcel Being Developed						
Use of Adjacent Parcel	Single Family Subdivision	Multifamily	Office	Commercial	Industrial	Institutional	Public ROW
Single family	None	A	B	B	C	B	None
Multifamily	None	None	A	B	B	A	None
Office	None	None	None	A	B	A	None
Commercial	None	None	None	None	B	A	None
Industrial	None	None	None	None	None	A	None

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Institutional	A	A	A	A	B	None	None
Public ROW	A	A	A	A	A	A	None

~~(5) Buffering for mixed use developments shall be based on the more intense use in the building or cluster of buildings.~~

~~(6) If a developer proposes to landscape a buffer zone with existing native vegetation, a variance from the strict planting requirements of this subsection may be granted by the building department if:~~

- ~~a. The variance is necessary to prevent harm to the existing native vegetation; and~~
- ~~b. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.~~

~~(7) Responsibility for providing buffer zones.~~

~~a. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided in this subsection, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.~~

~~b. Where a residential use is proposed next to an existing nonresidential use, or a nonresidential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide 80 percent of the combined required buffer zones of the two uses. Where the existing use has a buffer zone, but such zone does not meet the requirements of this Code, the proposed use may provide less than 80 percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting 100 percent of the combined required buffer zone of the two uses. The building department shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.~~

(b) ~~Interior Vehicular use area landscaping.~~ Paved ~~All parking~~ areas shall have interior landscaping to provide visual and climatic relief from broad expanses of pavement, and to direct and define logical areas for pedestrian and vehicular circulation.

(1) ~~Off-street parking areas containing five parking spaces or in excess of 1,500 square feet shall contain at least ten square feet of interior landscaping for each parking space. Other vehicular use areas in excess of 1,000 square feet~~ Vehicular

use areas shall have a minimum of 25-50 square feet of landscaped area or island for each 500 square feet or fraction thereof of paved area.

(2) Each separate interior landscaped area shall contain a minimum of ~~100-160~~ square feet and shall be at least ~~five~~

BEST TO HAVE ONE REASONABLE STANDARD FOR ALL PARKING LOTS, SMALL OR LARGE

THE 50-SF STANDARD EQUATES TO A TYPICAL ARRANGEMENT OF PARKING LOT LANDSCAPE ISLANDS

REQUIRING LANDSCAPE ISLANDS SIZED LIKE PARKING PLACES PROVIDES NEEDED ROOM FOR TREES AND ALSO MAKES PARKING LOT DESIGN FLEXIBLE FOR PLANTING AND PRESERVING TREES

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ten feet wide. A minimum of one canopy tree shall be planted ~~for every 120 square feet of interior landscaping or fraction thereof within each landscape island~~, with the remaining area adequately planted with shrubs, ground cover or other approved landscaping materials. When it can be demonstrated that canopy trees planted or preserved along southern and western exposures can effectively shade parking lots in a manner that is equivalent to or exceeds island shade tree planting or preservation, the building and zoning department may approve such alternatives.

FLEXIBILITY PROVIDED WHILE ENSURING THAT GOAL OF SHADING PARKING LOTS IS MET

(3) All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops, with cut-outs provided to allow for stormwater entry into landscape areas.

10 SPACE LIMITATION IS STANDARD AND BETTER PROVIDES FOR SHADY PARKING LOTS

(4) Interior landscaping shall be located in a manner which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of 50 spaces, provided that no more than ~~12~~10 spaces shall be in an uninterrupted row. Parking rows shall be terminated by landscape areas.

TERMINAL LANDSCAPE ISLANDS PROVIDE SHADE AND ORGANIZE TRAFFIC. ENHANCE SAFETY

(5) In other vehicular use areas where the strict application of this subsection will seriously limit the function of the area, such as off-street loading areas or vehicle display or storage area, the required landscaping may be located near the perimeter of the paved area in streetyards or buffers. Such required interior landscaping which is relocated shall be in addition to the buffer zone requirements.

RECOGNIZES THAT CAR DEALERS AND CAR RENTAL AGENCIES NEED TO TIGHTLY PARK CARS

(6) Interior landscaping layout or design shall be reviewed and approved by the building and zoning department.

(c) *Use of required landscape areas.* No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.

(d) Stormwater facilities shall be planted with appropriate trees and other plantings when practicable.

(de) Landscape plan approval. Appropriate site plans showing proposed landscape development shall be submitted to the ~~city~~ building and zoning department. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:

- (1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.
- (2) Existing and proposed landscape areas.
- (3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.
- (4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.
- (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all applicable utilities services, dumpsters and other improvements, properly dimensioned and

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referenced to property uses, setback and yard requirements.

~~(e) Sight distance for landscaping adjacent to public right-of-way and points of access. When an accessway intersects a public right-of-way, all landscaping shall provide unobstructed cross-visibility at a level between 2½ and ten feet high within the areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way lines, with two sides of such triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed, provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet to the edge of any accessway pavement.~~

E AND F ARE DUPLICATE STANDARDS THAT SHOULD BE COMBINED

(f) ~~Corner visibility.~~ On ~~any corner~~ lot located at the intersection of a street or driveway in any residential district, no hedge, structure or planting, or other obstruction to vision between the heights of 2½ feet and ten feet above street level shall be erected, placed or maintained within the triangular area formed by the intersection of curblines and a straight line joining the curblines at points which are 30 feet distant from the point of intersection measured along the curblines edge of pavement.

(g) Appeals. A person aggrieved by an administrative order, determination or decision of the building and zoning department may appeal the order, determination or decision to the board of zoning appeal tree advisory board for a variance from the strict requirements of this section.

(Code 1981, app. C, § 26-7(6))

Sec. 94-297. – Approved plant list

Plant material required for parking lots, streeyards, and buffers for nonresidential and multi-family development and redevelopment shall be selected from the following list, or approved by the determined to be similar and suitable in form and function to the approved plants. Native plants are required unless exempted from the requirement by the tree committee. The table includes appropriate trees for parking lot and rights-of-way. An asterisk indicates that the tree in question may be allowed by the building and zoning department on a case-by-case basis depending on site conditions. Explanation of the water zone follows the table.

PLANT LIST ENSURES PROPER PLANTING

Table 94-297A: Approved plant list

<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>	<u>Right-of-Way</u>	<u>Parking Lot</u>
<u>NATIVE CANOPY TREES (Mature size 40' or more in height)</u>				
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>H,M</u>	<u>Yes</u>	<u>No</u>
<u>Betula nigra</u>	<u>River Birch</u>	<u>H</u>	<u>Yes</u>	<u>No</u>
<u>Carya aquatica</u>	<u>Water Hickory</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Carya cordiformis</u>	<u>Bitternut Hickory</u>	<u>M</u>	<u>No</u>	<u>No</u>
<u>Carya glabra</u>	<u>Pignut Hickory</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Carya tormentosa</u>	<u>Mockernut Hickory</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Celtis laevigata</u>	<u>Sugarberry</u>	<u>M,L</u>	<u>*</u>	<u>Yes</u>

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<u><i>Diospyros virginiana</i></u>	<u>Common Persimmon</u>	<u>M</u>	<u>No</u>	<u>No</u>
Botanical Name	Common Name	Water Zone	Street	Parking
<u>NATIVE CANOPY TREES (Mature size 40' or more in height) (cont'd)</u>				
<u><i>Fraxinus americana</i></u>	<u>White Ash</u>	<u>M</u>	<u>*</u>	<u>No</u>
<u><i>Fraxinus caroliniana</i></u>	<u>Carolina Ash</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u><i>Fraxinus pennsylvanica</i></u>	<u>Green Ash</u>	<u>M</u>	<u>Yes</u>	<u>Yes</u>
<u><i>Liriodendron tulipifera</i></u>	<u>Tuliptree</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u><i>Liquidambar styraciflua</i></u>	<u>Sweetgum</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u><i>Magnolia grandiflora</i></u>	<u>Southern Magnolia</u>	<u>M,L</u>	<u>Yes</u>	<u>No</u>
<u><i>Magnolia virginiana</i></u>	<u>Sweetbay Magnolia</u>	<u>H</u>	<u>Yes</u>	<u>No</u>
<u><i>Morus rubra</i></u>	<u>Red Mulberry</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Nyssa aquatica</i></u>	<u>Water Tupelo</u>	<u>H</u>	<u>No</u>	<u>Yes</u>
<u><i>Nyssa sylvatica</i></u>	<u>Black Tupelo</u>	<u>H</u>	<u>Yes</u>	<u>Yes</u>
<u><i>Persea borbonia</i></u>	<u>Red Bay</u>	<u>L</u>	<u>*</u>	<u>No</u>
<u><i>Pinus clausa</i></u>	<u>Sand Pine</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Pinus elliotii</i></u>	<u>Slash Pine</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Pinus glabra</i></u>	<u>Spruce Pine</u>	<u>H</u>	<u>*</u>	<u>Yes</u>
<u><i>Pinus palustris</i></u>	<u>Longleaf Pine</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u><i>Pinus taeda</i></u>	<u>Loblolly Pine</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Platanus occidentalis</i></u>	<u>Sycamore</u>	<u>H,M,L</u>	<u>*</u>	<u>Yes</u>
<u><i>Quercus falcata</i></u>	<u>Southern Red Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Quercus hemispherica</i></u>	<u>Laurel Oak</u>	<u>M,L</u>	<u>No</u>	<u>Yes</u>
<u><i>Quercus laevis</i></u>	<u>Turkey Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Quercus laurifolia</i></u>	<u>Diamondleaf Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u><i>Quercus michauxii</i></u>	<u>Swamp Chestnut Oak</u>	<u>H,M</u>	<u>*</u>	<u>Yes</u>
<u><i>Quercus nigra</i></u>	<u>Water Oak</u>	<u>H,M</u>	<u>No</u>	<u>No</u>
<u><i>Quercus phellos</i></u>	<u>Willow Oak</u>	<u>L</u>	<u>*</u>	<u>Yes</u>
<u><i>Quercus shumardii</i></u>	<u>Shumard Oak</u>	<u>H,M,L</u>	<u>*</u>	<u>Yes</u>
<u><i>Quercus stellata</i></u>	<u>Post Oak</u>	<u>M,L</u>	<u>No</u>	<u>Yes</u>
<u><i>Quercus virginiana</i></u>	<u>Southern Live Oak</u>	<u>M,L</u>	<u>*</u>	<u>Yes</u>
<u><i>Taxodium ascendens</i></u>	<u>Pond Cypress</u>	<u>L</u>	<u>*</u>	<u>Yes</u>
<u><i>Taxodium distichum</i></u>	<u>Bald Cypress</u>	<u>L</u>	<u>*</u>	<u>Yes</u>
<u><i>Tilia floridana</i></u>	<u>Florida Basswood</u>	<u>H</u>	<u>No</u>	<u>No</u>

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<u>Ulmus alata</u>	Winged Elm	M,L	Yes	Yes
<u>Ulmus americana</u>	American Elm	H,M	No	No
Botanical Name	Common Name	Water Zone	Street	Parking
NON-NATIVE CANOPY TREES (Mature size 40' or more in height)				
<u>Ulmus crassifolia</u>	Cedar Elm	L	*	No
<u>Carya illinoensis</u>	Pecan	H,M	No	No
<u>Phoenix canariensis</u>	Canary Island Date Palm	L	Yes	Yes
<u>Phoenix dactylifera</u>	Date Palm	L	Yes	Yes
<u>Salix babylonica</u>	Weeping Willow	H	No	No
<u>Ulmus parvifolia</u>	Chinese (Drake) Elm	M,L	Yes	Yes
<u>Washingtonia robusta</u>	Washington Palm	L	Yes	No
NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:				
<u>Acer barbatum</u>	Florida Maple	M	Yes	No
<u>Acer leucoderme</u>	Florida Sugar Maple	M	No	Yes
<u>Aesculus pavia</u>	Red Buckeye	M	No	No
<u>Bumelia tenax</u>	Tough Bumelia	L	Yes	No
<u>Carpinus caroliniana</u>	American Hornbeam	H,M	Yes	No
<u>Cercis canadensis</u>	Eastern Redbud	L	Yes	No
<u>Chamaecyparis throides</u>	Atlantic White Cedar	H	No	No
<u>Chionanthus virginicus</u>	Fringetree	M,L	No	No
<u>Crategus spp.</u>	Hawthorn	M,L	No	No
<u>Gordonia lasianthus</u>	Loblolly Bay	H	No	No
<u>Halesia carolina</u>	Carolina Silverbell	M	Yes	Yes
<u>Halesia diptera</u>	Two-Winged Silverbell	M,L	Yes	Yes
<u>Ilex spp.</u>	Hollies	L	Yes	Yes
<u>Juniperus silicicola</u>	Southern Redcedar	L	Yes	No
<u>Juniperus virginiana</u>	Eastern Redcedar	L	Yes	No
<u>Myrica cerifera</u>	Wax Myrtle	M,L	No	No
<u>Ostrya virginiana</u>	American Hophornbeam	M,L	Yes	Yes
<u>Persea palustris</u>	Swampbay	H	No	No

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<u>Pinckneya pubens</u>	<u>Fevertree</u>	<u>H</u>	<u>No</u>	<u>No</u>
Botanical Name	Common Name	Water Zone	Street	Parking
NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS (cont'd)				
<u>Prunus augustifolia</u>	<u>Chickasaw plum</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Quercus austrina</u>	<u>Bluff Oak</u>	<u>M</u>	<u>*</u>	<u>Yes</u>
<u>Quercus chapmanii</u>	<u>Chapman Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus incana</u>	<u>Bluejack Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus myrtifolia</u>	<u>Myrtle Oak</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Quercus nuttallii</u>	<u>Nuttal Oak</u>	<u>L</u>	<u>*</u>	<u>Yes</u>
<u>Sabal palmetto</u>	<u>Cabbage Palm</u>	<u>L</u>	<u>Yes</u>	<u>Yes</u>
<u>Salix caroliniana</u>	<u>Willow</u>	<u>H</u>	<u>No</u>	<u>No</u>
<u>Tilia caroliniana</u>	<u>Carolina Basswood</u>	<u>M</u>	<u>No</u>	<u>No</u>
<u>Vaccinium arboreum</u>	<u>Sparkleberry</u>	<u>L</u>	<u>No</u>	<u>No</u>
<u>Viburnum rufidulum</u>	<u>Viburnum</u>	<u>M</u>	<u>No</u>	<u>No</u>
NON-NATIVE UNDERSTORY TREES (Mature size 12' to 40' height) AND PALMS:				
<u>Butia capitata</u>	<u>Pindo Palm</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Callistemon rigidus</u>	<u>Bottlebrush</u>	<u>M</u>	<u>No</u>	<u>No</u>
<u>Cupressocyparis leylandii</u>	<u>Leyland Cypress</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Eriobotrya japonica</u>	<u>Loquat</u>	<u>M</u>	<u>Yes</u>	<u>No</u>
<u>Ilex spp.</u>	<u>Treeform Holly</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Lagerstromia indica</u>	<u>Crape Myrtle</u>	<u>M,L</u>	<u>Yes</u>	<u>Yes</u>
<u>Ligustrum japonicum</u>	<u>Waxleaf Privet</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
<u>Magnolia spp.</u>	<u>Deciduous Magnolia</u>	<u>H,M</u>	<u>No</u>	<u>No</u>
<u>Ulmus parvifolia</u>	<u>Chinese Elm</u>	<u>M,L</u>	<u>No</u>	<u>No</u>
Botanical Name	Common Name	Water Zone		
NATIVE SHRUBS, SMALL PALMS AND CYCADS:				
<u>Callicarpa americana</u>	<u>Beautyberry</u>	<u>H,M,L</u>		
<u>Calycanthus floridus</u>	<u>Sweetshrub</u>	<u>H,M</u>		
<u>Forestiera sequegata</u>	<u>Florida Privet</u>	<u>M,L</u>		
<u>Ilex glabra</u>	<u>Gallberry</u>	<u>M,L</u>		
<u>Ilex vomitoria</u>	<u>Yaupon Holly</u>	<u>L</u>		
<u>Illicium parviflorum</u>	<u>Star Anise</u>	<u>H,M</u>		
<u>Myrica cerifera</u>	<u>Wax Myrtle</u>	<u>M,L</u>		
<u>Rhapidophyllum hystrix</u>	<u>Needle Palm</u>	<u>M,L</u>		
<u>Sabal minor</u>	<u>Bluestem Palmetto</u>	<u>H,M,L</u>		
<u>Serenoa repens</u>	<u>Saw Palmetto</u>	<u>M,L</u>		

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NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
<u>Viburnum obovatum</u>	Walters Viburnum	H,M
<u>Abelia grandiflora</u>	Abelia	M
<u>Beloperone guttata</u>	Shrimp Plant	H,M
<u>Buxus microphylla</u>	Japanese Boxwood	M
<u>Buxus sempervirens</u>	English Boxwood	M
<u>Camellia japonica</u>	Camellia	M
<u>Camellia sasanqua</u>	Sasanqua Camellia	H
<u>Chamaerops humilis</u>	European Fan Palm	L
<u>Codiaeum variegatum</u>	Croton	H,M,L
<u>Cycas revoluta</u>	King Sago	L
<u>Eleagnus pungens</u>	Silverthorn	M,L
<u>Fatsia japonica</u>	Fatsia	H,M
<u>Gardenia jasminoides</u>	Gardenia	H,M
<u>Hibiscus syriacus</u>	Rose of Sharon	M
<u>Hydrangea spp.</u>	Hydrangea	H,M
<u>Ilex spp.</u>	Shrubform Holly	M
<u>Juniperus spp.</u>	Juniper	M,L
<u>Ligustrum japonica</u>	Waxleaf Privet	M,L
<u>Loropetalum chinense</u>	Chinese Witch Hazel	H,M
<u>Michelia figo</u>	Banana Shrub	H,M
<u>Nerium oleander</u>	Oleander	M,L
<u>Osmanthus fragrans</u>	Sweet Olive	M
<u>Pittosporum tobira</u>	Pittosporum	H,M
<u>Platycladus orientalis</u>	Arborvitae	L
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE SHRUBS, SMALL PALMS AND CYCADS:		
	Podocarpus	M,L
<u>Raphiolepis indica</u>	Indian Hawthorn	M,L
<u>Rhododendron spp.</u>	Azalea	H,M
<u>Ternstroemia gymnanthera</u>	Cleyera	M,L
<u>Trachycarpus fortunei</u>	Windmill Palm	L
<u>Viburnum odoratissium</u>	Sweet Viburnum	H,M

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<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NATIVE GROUNDCOVERS:		
<u><i>Viburnum tinus</i></u>	<u>Laurustius</u> <u>Viburnum</u>	<u>M,L</u>
<u><i>Borrchia frutescens</i></u>	<u>Sea Oxeye Daisy</u>	<u>L</u>
<u><i>Ceratiola ericoides</i></u>	<u>Rosemary</u>	<u>M,L</u>
<u><i>Crinum spp.</i></u>	<u>Crinum Lily</u>	<u>M</u>
<u><i>Gelsemium sempervirens</i></u>	<u>Carolina</u> <u>Jessamine</u>	<u>M</u>
<u><i>Helianthus debilis</i></u>	<u>Beach Sunflower</u>	<u>L</u>
<u><i>Iva imbricata</i></u>	<u>Seashore Elder</u>	<u>L</u>
<u><i>Licania michauxii</i></u>	<u>Gopher Apple</u>	<u>L</u>
<u><i>Muhlenbergia capillaris</i></u>	<u>Muhly Grass</u>	<u>L</u>
<u><i>Parthenocissus quinquefolia</i></u>	<u>Virginia Creeper</u>	<u>H,M</u>
<u><i>Paspalum spp.</i></u>	<u>Paspalum</u>	<u>H,M</u>
<u><i>Serenoa repens</i></u>	<u>Saw Palmetto</u>	<u>M,L</u>
<u><i>Sesuvium portulacastrum</i></u>	<u>Sea Purslane</u>	<u>L</u>
<u><i>Sisyrinchium spp.</i></u>	<u>Blue-eyed Grass</u>	<u>M</u>
<u><i>Sorghastrum secundum</i></u>	<u>Lopsided Indian</u> <u>Grass</u>	<u>L</u>
<u><i>Spartina patens</i></u>	<u>Saltmeadow</u> <u>Cord Grass</u>	<u>M,L</u>
<u><i>Stachytarpheta jamaicensis</i></u>	<u>Blue Porter</u> <u>Weed</u>	<u>L</u>
<u><i>Tripsacum dactyloides</i></u>	<u>Fakahatchee</u> <u>Grass</u>	<u>L</u>
<u><i>Uniola paniculata</i></u>	<u>Sea Oats</u>	<u>L</u>
<u><i>Yucca filamentosa</i></u>	<u>Beargrass</u>	<u>L</u>
<u><i>Zamia pumila</i></u>	<u>Coontie</u>	<u>M</u>
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
NON-NATIVE GROUNDCOVERS:		
<u><i>Aqapanthus africanus</i></u>	<u>Blue Lily of the</u> <u>Nile</u>	<u>M</u>
<u><i>Ajuqa reptans</i></u>	<u>Bugleweed</u>	<u>H</u>
<u><i>Aloe spp.</i></u>	<u>Aloe</u>	<u>M,L</u>
<u><i>Aspidistra elatior</i></u>	<u>Cast Ironplant</u>	<u>M</u>
<u><i>Dietes bicolor</i></u>	<u>Butterfly Iris</u>	<u>H</u>
<u><i>Dietes vegeta</i></u>	<u>African Iris</u>	<u>M,L</u>
<u><i>Ficus pumila</i></u>	<u>Creeping Fig</u>	<u>M,L</u>
<u><i>Gerbera jamesonii</i></u>	<u>Gerbera Daisy</u>	<u>M</u>
<u><i>Hedera canariensis</i></u>	<u>Algerian Ivy</u>	<u>L</u>
<u><i>Hedera helix</i></u>	<u>English Ivy</u>	<u>L</u>

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<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
<u>NON-NATIVE GROUNDCOVERS:</u>		
<u>Hemerocallis spp.</u>	<u>Daylily</u>	<u>M,L</u>
<u>Juniperus spp.</u>	<u>Juniper</u>	<u>M,L</u>
<u>Liriope muscari</u>	<u>Liriope spp.</u>	<u>M</u>
<u>Miscanthus spp.</u>	<u>Miscanthus</u>	<u>L</u>
<u>Nandina domestica</u>	<u>Dwarf Nandina</u>	<u>M,L</u>
<u>Ophiopogon japonicus</u>	<u>Mondo Grass</u>	<u>L</u>
<u>Pittosporum tobira</u>	<u>Dwarf Pittosporum</u>	<u>H,M</u>
<u>Trachelospermum asiaticum</u>	<u>Asiatic Jasmine</u>	<u>L</u>
<u>Trachelospermum jasminoides</u>	<u>Confederate Jasmine</u>	<u>L</u>
<u>Tulbaghia violacea</u>	<u>Society Garlic</u>	<u>M,L</u>
<u>Gelsemium sempervirens</u>	<u>Carolina Jessamine</u>	<u>M</u>
<u>Helianthus debilis</u>	<u>Beach Sunflower</u>	<u>L</u>
<u>Iva imbricata</u>	<u>Seashore Elder</u>	<u>L</u>
<u>Licania michauxii</u>	<u>Gopher Apple</u>	<u>L</u>
<u>Muhlenbergia capillaris</u>	<u>Muhly Grass</u>	<u>L</u>
<u>Parthenocissus quinquefolia</u>	<u>Virginia Creeper</u>	<u>H,M</u>
<u>Paspalum spp.</u>	<u>Paspalum</u>	<u>H,M</u>
<u>Serenoa repens</u>	<u>Saw Palmetto</u>	<u>M,L</u>
<u>Sesuvium portulacastrum</u>	<u>Sea Purslane</u>	<u>L</u>
<u>Sisyrinchium spp.</u>	<u>Blue-eyed Grass</u>	<u>M</u>
<u>Sorghastrum secundum</u>	<u>Lopsided Indian Grass</u>	<u>L</u>
<u>Spartina patens</u>	<u>Saltmeadow Cord Grass</u>	<u>M,L</u>
<u>Stachytarpheta jamaicensis</u>	<u>Blue Porter Weed</u>	<u>L</u>
<u>Tripsacum dactyloides</u>	<u>Fakahatchee Grass</u>	<u>L</u>
<u>Uniola paniculata</u>	<u>Sea Oats</u>	<u>L</u>
<u>Yucca filamentosa</u>	<u>Beargrass</u>	<u>L</u>

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<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
<u>NON-NATIVE GROWDCOVERS:</u>		
<u>Aloe spp.</u>	<u>Aloe</u>	<u>M,L</u>
<u>Aspidistra elatior</u>	<u>Cast Ironplant</u>	<u>M</u>
<u>Catharanthus roseus</u>	<u>Periwinkle,</u> <u>Vinca</u>	<u>H,M</u>
<u>Convolvulus 'Blue Daze'</u>	<u>Blue Daze</u>	<u>M</u>
<u>Cyrtomium falcatum</u>	<u>Holly Fern</u>	<u>M</u>
<u>Botanical Name</u>	<u>Common Name</u>	<u>Water Zone</u>
<u>Dichondra micrantha</u>	<u>Dichondra</u>	<u>H,M</u>

TABLE 94-297B. PROHIBITED SPECIES

<u>Botanical Name</u>	<u>Common Name</u>
<u>Albizia julibrissin</u>	<u>Mimosa</u>
<u>Broussonetia papyrifera</u>	<u>Paper Mulberry</u>
<u>Cinnamomum camphora</u>	<u>Camphor</u>
<u>Melia azedarach</u>	<u>Chinaberry</u>
<u>Sapium sebiferum</u>	<u>Chinese Tallow</u>

<u>H</u>	<u>High water use plant species associated with wetlands or moist soils; requires supplemental irrigation in addition to natural rainfall. This zone includes most manicured turfgrass areas.</u>
<u>M</u>	<u>Moderate water use, drought tolerant plant species that survive on natural rainfall; requires supplemental irrigation during seasonal dry periods to maintain attractive appearance. This zone includes St. Augustine, Bahia and other turf grass areas.</u>
<u>L</u>	<u>Low water use drought tolerant plant species; will survive on natural rainfall without supplemental irrigation.</u>

Secs. 94-298—94-299. - Reserved.

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ARTICLE VII. - BUFFERING AND SCREENING REQUIREMENTS

[Sec. 94-300. - Purpose.](#)

[Sec. 94-301. - Definitions.](#)

[Sec. 94-302. - Applicability of regulations.](#)

[Sec. 94-303. - Buffer determination.](#)

[Sec. 94-304. - Buffer categories and options for rear and side yards.](#)

[Sec. 94-305. - Buffer requirements for street frontages.](#)

[Sec. 94-306. - Location of buffers.](#)

[Sec. 94-307. - Planting specifications.](#)

[Sec. 94-308. - Responsibility for installation and maintenance.](#)

[Sec. 94-309. - Timing of buffer installation.](#)

[Sec. 94-310. - Exceptions and modifications.](#)

[Sec. 94-311. - Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones.](#)

[Sec. 94-312. - Variances.](#)

[Sec. 94-313. - Administration and enforcement.](#)

[Sec. 94-314. - Severability and conflict.](#)

Sec. 94-300. - Purpose.

The purpose of this article is to provide minimum buffering and screening requirements which:

- (a) Reduce adverse impacts between uses and zones;
- (b) Buffer intensive land uses from less intensive land uses; and
- (c) Protect the public health, safety and general welfare by:
 - (1) Minimizing noise, air, dust and visual pollution;
 - (2) Reducing the heat and glare absorbed and radiated by development;
 - (3) Preserving property values and the character of neighborhoods;
 - (4) Helping to control soil erosion and stormwater runoff; and
 - (5) Improving the aesthetic appeal of the city.

(Ord. No. 05-33, § 1, 6-23-2005)

Sec. 94-301. - Definitions.

For purposes of the administration and enforcement of this article and unless otherwise stated, the following definitions shall apply (the present tense shall include future tense, the plural shall include the singular, and the word "shall" is mandatory, not discretionary):

Berm means a mound of earth between two and six feet high used to buffer or screen a land use.

Central business district (CBD) means areas zoned DB (downtown business) and DR (downtown riverfront) on the Official Zoning Atlas of Palatka, Florida.

Deciduous means a plant with foliage that drops or dies at the end of a growing season.

Evergreen means a plant with foliage that remains green year-round.

Ground cover means grasses or other plants grown to keep soil from being blown or washed away.

Mulch means a layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.

Ornamental grass means a grass planted primarily for its ornamental value or for screening purposes.

Redevelopment means the demolition and rebuilding ~~or expansion~~ of 50 percent or more of a site's physical development (i.e., square footage of buildings).

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Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Streetyard means the area between a street property line and the front wall of a building.

Tree means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, defined as:

- (1) Canopy (large maturing) — Single trunk whose height is greater than 35 feet at maturity; or
- (2) Understory (small maturing) — Single trunk or multi-stem whose height is less than 35 feet at maturity.

Undisturbed vegetation means natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.

Utility easement means the right-of-way acquired by a utility or governmental agency or private agency to locate utilities, including all types of pipelines, telephone and electric cables.

(Ord. No. 05-33, § I, 6-23-2005)

FROM PREVIOUS
BUFFER SECTION

Sec. 94-301. – Purpose of buffer zones

- (a) A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.
- (b) The width and degree of vegetation required depends on the level of impacts between uses as shown in Table 94-303.

Sec. 94-302. - Applicability of regulations.

This article shall apply to projects meeting at least one of the following criteria: When a project meets more than one criterion it shall meet the less restrictive standard.

BUSINESS-FRIENDLY!

- (a) All appropriately-zoned lots existing on the date of adoption of this article requiring a building permit and proposed for development shall conform to this article as follows (for the provisions of this paragraph, commencement of development shall be defined as the date of the initial issuance of the building permit excluding extensions):
 - (1) Certificate of occupancy issued within 12 months of adoption of this article: 50 percent compliance.
 - (2) Certificate of occupancy issued after 12 months but within 18 months of adoption of this article: 75 percent compliance.
 - (3) Certificate of occupancy issued after 18 months of adoption of this article: 100 percent compliance.

This criterion does not apply to fences, only to the quantity of plantings and the width of the buffer.

- (b) Conditional uses A change in land use or zoning shall be subject to this article.

- (1) Existing uses with no parking lot or building expansions shall only be required to meet uncomplimentary use buffers adjacent to single-family uses or zoning and one streetyard tree per 10,000 square feet of vehicular use area.
- (2) Multi-tenant shopping or office properties shall provide required landscaping noted in (1) above that is proportional to the use's percentage of the overall non-storage space. For example a use occupying a space that is 10% of the non-storage space of a shopping center shall provide at least 10% of the overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to

TIES LANDSCAPE CODE
CONFORMANCE WITH
DEVELOPMENT, NOT
ENTITLEMENTS, AND CALLS
FOR MINIMIZED &
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~~buffers within the streetyard. For purposes of this article, a change in land use or zoning shall include any of the following:~~

- ~~(1) A future land use amendment;~~
- ~~(2) A rezoning; or~~
- ~~(3) A conditional use.~~

~~This criterion does not apply to a change of occupancy or use where such change is permitted within the subject zoning designation without any additional consideration or process.~~

(c) Additions or expansions to existing uses shall ~~be governed as follows~~ provide required landscaping that is proportional to the greater of building or parking lot space cumulatively exceeding a 30% expansion: For example a 50% expansion accompanied by a 35% parking lot expansion shall provide 20% of overall required buffer in regard to linear feet and associated landscape plantings. Priority shall be given to buffers within the streetyard.

PROPORTIONAL COMPLIANCE INSTEAD OF COMPLIANCE BY RANGE OF PARCEL OR BUILDING SIZE, WITH AN INITIAL 30% PARKING/BUILDING EXPANSION ALLOWED

- ~~(1) On sites two acres or smaller, additions or expansions greater than 5,000 square feet shall be subject to this article. This includes additions cumulatively totaling more than 5,000 square feet following the adoption of this article.~~
- ~~(2) On sites greater than two acres, additions or expansions greater than 10,000 square feet to an existing structure shall be subject to this article. This includes additions cumulatively totaling more than 10,000 square feet following the adoption of this article.~~
- ~~(3) Additions or expansions less than 100 feet from any property line shall provide the required buffer on the encroached upon property line(s).~~
- ~~(4) Additions or expansions more than 100 feet from any property line shall be exempt, except on property lines that abut parcels zoned R-1AA, R-1A, R-1, or R-2.~~
- ~~(5) Buffers shall extend between building lines.~~

(d) For purposes of clearing or grading, the owner shall be required to follow at a minimum the standards set forth herein and the standards of stabilization as set forth by the public works director and other appropriate authorities. The installation of buffers shall not be required until a certificate of occupancy is requested for the developed parcels and at that time only the buffer for each developed parcel should be required. This shall ensure that the proper buffer is established for each use as well as provide for the appropriate timing of installation.

(e) Redevelopment of a site, as defined in this article, shall be subject to this article ~~and shall additionally include any subsequent redevelopment cumulatively totaling more than a 50 percent expansion following the adoption of the article.~~

EXPANSION COVERED IN (C) ABOVE

(f) In instances where a property owner or his agent is in possession of multiple contiguous undeveloped lots or parcels with differing zoning, or in instances where a single undeveloped lot or parcel includes multiple zoning designations, then the property owner may exclude the required buffers separating these differing zonings until such time as development is commenced, the contiguous use is initiated, or until a certificate of occupancy is requested for the adjacent undeveloped lot or parcel or portion of a lot or parcel with differing zoning designations. In instances where a contiguous lot or parcel with differing zoning, or where a portion of a lot or parcel with differing zoning, is sold by a property owner and the required buffer has not been previously installed, then the required buffer shall immediately be required to be installed by the property owner. In no instance shall this exclusion be used by a property owner to intentionally avoid the installation of a required buffer

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and, further, the zoning administrator reserves the right to require the installation of buffers where in his opinion a property owner is attempting to intentionally avoid the installation of the required buffers. (Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-303. - Buffer determination.

To determine the type of buffer required between two adjacent parcels or along a right-of-way, refer to the table of buffer requirements and cross-reference the zoning of the parcel proposed for development, redevelopment, or expansion with the zoning district of the adjacent parcel, regardless of whether it is developed or vacant, except as provided in section 94-302(f). The standards provided are minimum requirements and may be exceeded if so desired, except for fence heights, which shall require approval of the board of zoning appeals to be exceeded. Tree spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal.

BUFFER TABLES
CONSOLIDATED
INTO ONE TABLE

~~Table 94-303. TABLE OF BUFFER REQUIREMENTS~~

Zoning/ use of adjacent parcel	Zoning of parcel proposed for development/redevelopment/expansion								
	CON	ROS, OR	R-1AA, R-1A, R-1, R-2	R-3, R-4	C-1A, C-1	DB, DR	PBG-1, AP-1	C-2	M-1, PBG-2, AP-2
CON	—	—	A	B	C	—	D	D	D
ROS, OR	—	A	A	B	C	—	C	C	D
R-1AA, R-1A, R-1, R-2	A	A	—	C	C	—	C	D	D
R-3, R-4	A	A	A	B	C	—	C	C	D
C-1A, C-1	A	A	B	C	—	—	B	B	D
DB, DR	A	A	B	C	C	—	B	B	D
PBG-1, AP-1	A	A	C	C	C	—	B	B	C
C-2	A	A	C	D	A	—	A	A	C
M-1, PBG-2, AP-2	A	A	D	D	C	—	A	A	B

~~Note: Areas zoned DB and DR are exempt from installing a buffer because of the CBD exemption.
— = Buffer not required~~

~~(Ord. No. 05-33, § I, 6-23-2005)~~

~~**Sec. 94-304. - Buffer categories and options for rear and side yards.**~~

~~The applicant may choose the option to be used within the required category. Plant species selected by the applicant shall be from approved lists maintained by the St. John's River Water Management District for the~~

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~~Waterwise Landscaping program and shall otherwise conform to the provisions of this article.~~

~~Table 94-304A. CATEGORY A~~

	Option 1	Option 2	Option 3
Width of Buffer	5 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	0	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	0	2	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	15	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	6 to 8 foot wood stockade fence or masonry wall	None Required	None Required

~~Table 94-304B. CATEGORY B~~

	Option 1	Option 2	Option 3
Width of Buffer	15 feet	10 feet	20 feet
Number of Canopy Trees per 100 linear feet	1	0	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	4	4	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	25	20	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

~~Table 94-304C. CATEGORY C~~

	Option 1	Option 2	Option 3
Width of Buffer	20 feet	10 feet	30 feet
Number of Canopy Trees	3	0	Undisturbed Natural

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per 100 linear feet			Vegetation
Number of Understory Trees per 100 linear feet	3	0	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	20	20	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

~~Table 94-304D. CATEGORY D~~

	Option 1	Option 2	Option 3
Width of Buffer	40 feet	30 feet	75 feet
Number of Canopy Trees per 100 linear feet	6	4	Undisturbed Natural Vegetation
Number of Understory Trees per 100 linear feet	6	5	Undisturbed Natural Vegetation
Number of Shrubs/Ornamental Grasses per 100 linear feet	33	25	Undisturbed Natural Vegetation
Fence, Wall or Earth Berm	None Required	6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer	None Required

~~Berms shall have a maximum slope of 3:1, a minimum crown width of two feet, and shall be planted with vegetative ground cover to prevent erosion.~~

~~Fence installation shall be consistent with acceptable building practices.~~

~~(Ord. No. 05-33, § 1, 6-23-2005)~~

~~**Sec. 94-305. Buffer requirements for street frontages.**~~

~~The portion(s) of a parcel proposed for development, redevelopment, or expansion abutting on a public street or highway right-of-way shall be buffered as per Table 94-305.~~

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~~Buffers may be planted within the public right-of-way and utility easements if the public works director concludes that such plantings will not be impacted by utilities, roadway expansions, or traffic flow considerations. Planting within the right of way and utility easements may account for no more than 25 percent of the total landscape requirement. Parcels zoned R-1AA, R-1A, R-1, and R-2 are exempt from this requirement.~~

~~Table 94-305. TABLE OF STREET FRONTAGE BUFFERS~~

	2 acres or less		Greater than 2 acres	
	Option 1	Option 2	Option 1	Option 2
Planting strip adjacent to public ROW	8 feet	5 feet	10 feet	7 feet
Number of large trees per 100 linear feet of frontage or fraction	1	2	1	2
Number of shrubs per 100 linear feet or frontage of fraction	25	30	25	30
Maximum height of a berm at 3:1 slope	6 feet	2 feet	6 feet	2 feet

~~Berms shall have a maximum slope of 3:1, a minimum crown width of two feet, and shall be planted with vegetative ground cover to prevent erosion.~~

~~Fence installation shall be consistent with acceptable building practices.~~

~~(Ord. No. 05-33, § 1, 6-23-2005)~~

~~**Sec. 94-306. Location of buffers.**~~

~~Buffers shall be located along the perimeter of a lot or parcel, and may be located within the public right-of-way or utility easement as provided for in section 94-305. If fencing is required, or desired, it shall be located at the property line. A fence shall be erected so the best aesthetic surface faces the adjacent property.~~

~~Buffers may be located within the front, rear and side yard required by the zoning ordinance.~~

~~(Ord. No. 05-33, § 1, 6-23-2005)~~

~~(a) Perimeter buffer responsibility – If the land next to the proposed development is vacant, the perimeter buffer required shall be determined by the existing land use or zoning of the adjacent vacant parcel, with the parcel having the more intensive land use responsible for the buffer. If the adjacent parcel has a use of higher intensity, was developed prior to the effective date of this ordinance and did not include a buffer, the proposed development will be responsible for the required perimeter buffer. If the proposed development is next to an existing development having a land use of lower intensity, the proposed development shall be responsible for the perimeter buffer.~~

SAME LANGUAGE
FROM PREVIOUS
SECTION

~~(b) Default buffer – Unless otherwise required in Table 94-303, all development shall provide a buffer adjacent to property lines with a minimum width of eight feet and the following required landscaping:~~

~~(1) A row of evergreen or deciduous canopy trees spaced not more~~

MINIMAL BUFFER FOR LIKE
USES, REAR & SIDE YARDS
FOR COMPLIMENTARY USES

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than 50 feet apart; and,

(2) Turf grass, low growing evergreen plants or evergreen ground cover planted over at least half of the buffer length.

(c) Vehicular use area buffer – the following required landscaping shall be provided within a buffer of minimum width of 10 feet located between a street right-of-way and parking lots, driveways, loading areas and other paved expanses, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:

MORE EFFECTIVE SCREENING & SHADING OF PAVED AREAS – CURRENT STANDARDS REQUIRE SHRUBS & MINIMAL TREE PLANTING (1 OR 2 PER 100 LINEAR FEET)

(1) Hedges, ornamental grasses, fences, walls, or a combination of these elements that provides effective screening, to be maintained at a height between 36 inches and 54 inches, not interfering with required sight distance at driveway entrances or street intersections.

(2) A row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,

(3) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

(d) Roadway buffer – the following required landscaping shall be provided in areas adjacent to street right-of-way that are not vehicular use area buffers, and with the ability for plantings to occur in the adjacent right-of-way where the intent of the buffering will be achieved and no conflicts occur with utilities, with the approval of the building and zoning department:

HEDGE REQUIREMENT REMOVED TO ALLOW FOR GREATER BUILDING VISIBILITY

(1) A row of evergreen or deciduous canopy trees spaced not more than 35 feet apart; and,

(2) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

(e) Streetyard – at least 15% of the streetyard shall be established and maintained as landscaped area, with other required buffers counting toward that total.

INTENDED TO “GREEN UP” ROADWAY CORRIDORS WITH STRATEGIC TREE PLACEMENT

(f) Uncomplimentary use buffer – those interior perimeter buffers that are not adjacent to a right-of-way shall include the following:

(1) Evergreen plants which, at the time of planting, shall be at least three feet in height and reach a height of six feet within one year, providing an overall screening opacity of 90 percent; or,

(2) A masonry wall six feet in height, architecturally finished on all sides, and if a block wall, painted on all sides; or,

(3) A solid wooden fence six feet in height, finished side out; or,

(4) A berm in combination with 1, 2 or 3 to achieve a minimum height of six feet and eighty percent opacity at the time of installation; and

MOST STRINGENT BUFFER, INTENDED FOR UNCOMPLIMENTARY USES, BUT NOT AS OVERLY AS CURRENT STRINGENT BUFFER (TREES ON NINE-FOOT SPACING, FENCE, HEDGE, 40-FOOT WIDTH)

(5) A row of evergreen understory and canopy trees between impactful and impacted uses or evergreen or deciduous understory and canopy trees in all other cases, spaced as noted in Table 94-303; and,

(6) Turf grass, low growing evergreen plants or evergreen ground cover planted over the remaining balance of the buffer.

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SINGLE TABLE TO REPLACE
 MULTIPLE BUFFER TABLES –
 INTERIOR BUFFERS ONLY
 REQUIRED WHEN LOW
 IMPACT USES
 (CONSERVATION,
 RESIDENTIAL) ARE AFFECTED

(g) Natural uncomplimentary use buffer – an undisturbed wooded area having an opacity of 85% during all seasons shall be allowed as an alternative to other perimeter buffers if it is determined by the building and zoning department that this buffer meets the intent of effectively screening adjacent property. Buffer width shall exceed twice the required dimension set forth in Table 94-303.

Table 94-303: Uncomplimentary Use Buffer Table

<u>High Impact Uses or Zoning</u>	<u>Low Impact Uses or Zoning</u>		
	<u>Conservation and Passive Recreation</u>	<u>Residential - (Single and Two)</u>	<u>Residential - (Multifamily)</u>
<u>Residential - (Multifamily)</u>	<u>15/50/25</u>	<u>25/50/25</u>	<u>N/A</u>
<u>Cultural/Institutional Office/Professional Services</u>	<u>15/50/25</u>	<u>15/50/25</u>	<u>10/60/40</u>
<u>Neighborhood Commercial</u>	<u>15/50/25</u>	<u>20/50/25</u>	<u>10/60/40</u>
<u>Active Recreation</u>	<u>20/35/0</u>	<u>20/40/40</u>	<u>15/50/0</u>
<u>General Commercial</u>	<u>20/50/20</u>	<u>25/50/20</u>	<u>20/60/30</u>
<u>Intensive Commercial / Industrial / Utility Plant Sites</u>	<u>25/50/20</u>	<u>35/50/20</u>	<u>25/50/25</u>

Note 1: buffer width in feet / canopy tree spacing / understory tree spacing. For example 20/50/25 means a 20 foot wide type buffer with canopy trees spaced an average of 50 feet apart and understory trees spaced an average of 25 feet apart.

Note 2: Spacing can be averaged with an emphasis on effective placement of trees for shading, visual and sound attenuation, and aesthetic appeal.

Note 3: canopy trees require a separation of 25 feet and understory trees require a separation of 12 feet.

Sec. 94-3047. - Planting specifications.

(a) *General requirements.* All plant material shall meet American Association of Nurserymen Standards. Plantings shall conform to the following specifications, as applicable:

- (1) Ground cover of vegetative matter shall be provided throughout the buffer area except in undisturbed natural vegetation areas. If grass is used, it shall be of a species normally grown as permanent lawns in the vicinity of Palatka, Florida. Grass areas may be sodded, plugged, sprigged or seeded.
- (2) Canopy tree species shall be a minimum of eight feet in height and have a caliper of at least ~~two one and one-half~~ inches immediately after planting. ~~Species shall have an average mature crown spread of at least 25 feet when grown in Palatka, Florida.~~ No canopy trees shall be planted within 20 feet of overhead wires.
- (3) Understory tree species shall be a minimum of five feet in height and have a caliper of at least

1 1/2 " CANOPY TREE MORE AFFORDABLE THAN 2", QUICKLY GROWS TO MAKE UP DIFFERENCE, AND IS ESTABLISHED QUICKER

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~~1 1/2~~one inches immediately after at planting. Species used shall have an average mature crown spread of at least 15 feet when grown in Palatka, Florida.

1 " TREE MORE AFFORDABLE THAN 1.5", QUICKLY GROWS TO MAKE UP DIFFERENCE, AND IS ESTABLISHED QUICKER

- (4) Shrubs and ornamental grasses shall be a minimum of 12 inches in height when measured immediately after planting.
- (5) Shrubs or ornamental grasses planted to form hedges shall be an evergreen species and a minimum of 18 inches in height when measured immediately after planting. Shrubs and ornamental grasses planted to form hedges shall be planted no further apart than 30 inches on center.
- (6) All plantings that die or are destroyed ~~within two years~~ must be replaced.

(b) *Specific requirements.*

(1) *Placement, installation and irrigation.*

a. ~~To achieve a more natural appearance, plantings should not be evenly spaced or planted in a straight line.~~

Plantings shall be distributed throughout the length of the buffer.

b. Plantings shall be installed to current nursery industry standards. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement and shall be removed after 12 months.

c. The buffer shall provide for the placement of topsoil of a depth sufficient to ensure plant survival.

d. To ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering, all buffer areas should be provided with means of providing water with one of the following two options:

- 1. A permanent built-in irrigation system; or
- 2. A temporary watering system (hoses, water tank truck, etc.) which provides sufficient water to ensure that selected plant species can survive adequately on their own once established.

NO NEED TO DICTATE PLANTING STYLE, AVERAGING ALLOWED, BUT TREES SHOULD STILL NOT BE CLUMPED IN ONE CORNER OF BUFFER

(2) *Existing vegetation.* Preservation of existing stands of natural vegetation and mature trees is a highly desirable aspect of site development and encouraged whenever and wherever existing vegetation will aid in meeting the requirements of this article.

a. As noted in the buffer category schedule, undisturbed natural vegetation can serve as an adequate buffer and can eliminate the need for any supplemental vegetation within the buffer areas. All such areas must be adequately protected during site development and construction activity.

b. Mature trees are valuable community assets and should be saved whenever possible. If existing trees (hardwoods or pines) at least eight inches in diameter (measured four feet above the ground) are used in the buffer or landscaped area, each tree will count double toward meeting the buffer tree requirement.

(3) *Protection.* All required buffer areas, particularly those including trees and shrubs, should be protected from potential damage by adjacent uses and development, including parking and storage areas. A tree protection device shall be installed at the dripline of the tree canopy to protect the tree and root zone.

(Ord. No. 05-33, § 1, 6-23-2005)

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Sec. 94-3058. - Responsibility for installation and maintenance.

The property owner or his/her agent is responsible for the installation and reasonable maintenance of the buffer area. Succeeding owners, lessees, and agents must also reasonably maintain the buffers. The penalty for failing to install or maintain the required buffer areas is outlined in the administration and enforcement section of this article, except that in R-1AA, R-1A, R-1, and R-2 zoning districts, maintenance of any buffer shall be at the discretion of the individual homeowner following installation of any buffer during initial development of the site. (Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-3069. - Timing of buffer installation.

Required buffers shall be installed in accordance with the following schedule:

- (1) New development, redevelopment, or expansions: Dimensions, category and option of buffer installation shall be submitted to the building and zoning department prior to the issuance of a certificate of occupancy.
- (2) Change in land use or zoning: site plans submitted with the future land use amendment, rezoning, or conditional use application shall depict the location, dimensions, category, and option of required buffers and buffer installation and shall be submitted to the building and zoning department as part of the application submittal for the requested change in land use or zoning. No change in land use or zoning may be heard by the planning board without the submittal of site plans addressing required buffers as provided in this article.
- (3) Where a buffer includes new plantings, a property owner or developer may submit an affidavit requesting a postponement in planting to allow for installation to occur at a time which better coincides with the normal planting season, generally between November 1 and March 30 of each year.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-30710. - Exceptions and modifications.

- (a) Central business district. Because of the unique urban character of the central business district (CBD), the buffering requirements of this article shall not apply to properties located within the CBD zoned DB (downtown business) or DR (downtown riverfront). However, properties in the CBD shall be subject to the ~~"screening required for parking lots"~~"vehicular use area buffer" and "screening required for trash areas, dumpsters, and outdoor storage areas visible from any public street or from residential uses and zones" portions of this article.
- (b) All other development including all city- and government-owned property, school district property, etc. shall comply.
- (c) Modifications to the standards of this article may be granted in writing within ten working days by the zoning administrator if any of the following circumstances exist on the proposed building site, or adjacent properties:
 - (1) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent of this article.
 - (2) Innovative buffering or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.

The developer shall submit sufficient documentation in support of the request for modification to the zoning administrator a minimum of 60 days in advance of requesting issuance of a site development permit.

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MITIGATION PROVIDES FLEXIBILITY FOR TREE FUND TO PLANT TREES OFF-SITE, IN VICINITY, WHEN IMPRACTICAL TO MEET TREE REQUIREMENTS

(d) Mitigation. Where circumstances pertaining to physical characteristics of a property make it impractical to meet buffer requirements the developer may submit a mitigation plan for tree committee approval that transfers required plantings to nearby public right-of-way, parkland, or strategically visible private property. Off-site planting shall provide a public benefit in the form of shaded sidewalks or streets and visual appeal.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-30811. - Screening required for trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones.

Trash areas, dumpsters and outdoor storage areas visible from any public street or from residential uses and zones shall be screened with plants, opaque fencing, or masonry walls on three sides in such a manner as to provide a minimum of six feet, but no more than eight feet, of vertical visual obstruction. This section shall not apply to parcels zoned R-1AA, R-1A, R-1, and R-2.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-30912. - Variances.

The board of zoning appeals may hear requests for variances from provisions of this article in accordance with the procedures set forth in division 2 of article II of chapter 94.

(Ord. No. 05-33, § I, 6-23-2005)

Sec. 94-3130. - Administration and enforcement.

(a) *Administration.* In projects involving issuance of a building permit or certificate of occupancy, the building official shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the buffer installation prior to issuance of the certificate of occupancy.

In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the buffer, as determined by the building official, and its installation shall be posted with the building and zoning department. This performance bond or other acceptable surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the zoning administrator or his designee.

(b) *Appeals.* ~~The board of zoning appeals tree committee~~ may ~~hear approve~~ requests for appeals ~~in accordance with the procedures set forth in section 94-65~~ of this chapter ~~with findings that exceptions or alternative methods meet or exceed the intent of the specific regulation and the overall tree and landscape ordinance.~~

APPEALS PROCESS MORE SUITED FOR TREE COMMITTEE DUE TO ITS FOCUS ON TREE & LANDSCAPE ISSUES

(c) *Enforcement.* It shall be unlawful for any person to violate or fail to comply with any provision of this article. Violators shall be subject to the penalties as set forth herein. A violation of this article shall constitute a Class II offense as listed in the city's uniform fine schedule, with multiple violations carrying a fine not to exceed \$500.00. Additionally, provisions of this article may be enforced by the code enforcement board following the procedures listed in article V of chapter 2 of the Municipal Code.

(Ord. No. 05-33, § I, 6-23-2005)

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Sec. 94-3114. - Severability and conflict.

- (a) *Severability.* This article, and its various parts, are hereby declared to severable. If any section, clause, provision, or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this article as a whole. All parts not declared invalid or unconstitutional shall remain in full force and effect.
- (b) *Conflict.* If any part of this article is found to be in conflict with any other ordinance or any other part of this article or chapter, the most restrictive or highest standard shall prevail. If any part of this article is explicitly prohibited by federal or state statute, it shall not be enforced.

(Ord. No. 05-33, § 1, 6-23-2005)

Request to Amend Zoning Code

(Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within Community Redevelopment Areas)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow caretaker or manager dwelling units in the C-2 zoning district and to fully allow residential uses within this zoning district in Community Redevelopment Areas (CRAs). There is a companion text amendment to the Comprehensive Plan Future Land Use Element. Public notice included legal advertisement.

APPLICATION BACKGROUND

The first amendment would allow businesses in C-2 zoning districts to provide caretaker or manager dwelling units by conditional use permit on the premises. This measure would enhance security for such businesses.

The second amendment allowing residences in the C-2 zoning district in CRAs would promote mixed-use development in the downtown Community Redevelopment Area. Per the City's Comprehensive Plan Future Land Use Element, residential uses are currently only allowed in the Commercial Future Land Use Map (FLUM) category within the two downtown zoning districts (Downtown Business and Downtown Riverfront, shown in the two shades of grey below). The area shown in the Zoning map below is all in the Commercial FLUM. Therefore the 14 single-family dwellings, two duplexes, one triplex, and one quadraplex in the C-2 zoning district (shown in red below) are nonconforming uses. Staff believes this code amendment would further CRA goals of promoting a mixed-use environment for live-work activities. It should be noted that most residential uses are already allowed by right in the downtown zoning districts, except for first-floor units along St. Johns Avenue. Density would be limited by FLUM and zoning restrictions based on lot size.

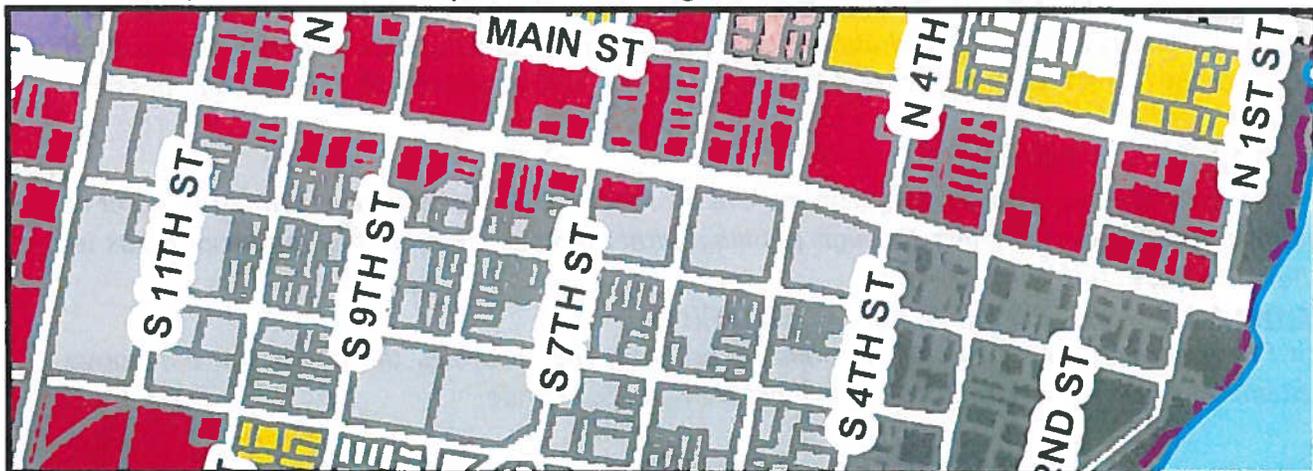


Figure 1: Downtown Zoning Districts

Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within CRA districts

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in 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 increased security for businesses.
- The amendment would make longstanding nonconforming dwelling units conforming.
- The amendment would promote a livelier mixed-use downtown environment.
- The amendment would allow for the same type of residential uses in the CRA C-2 zoning districts as are currently allowed in the CRA downtown districts.
- 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 or Community Redevelopment Area Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of both plans. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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

Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within CRA districts

- *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.*

COMMUNITY REDEVELOPMENT AREA PLAN

Central Business District Assessment Recommendation # 6: Revise the City's Zoning Code (i.e. parking requirements, mixed uses allowable where not mentioned, entertainment district overlay).

STAFF RECOMMENDATION

Staff recommends approval of Case 13-14 revising Zoning Code Section 94-149, allowing a single caretaker or manager dwelling unit for a principal use, occupied by an owner/tenant or an employee of an owner/tenant, by conditional use permit in C-2 zoning districts; and allowing residential uses by right in the C-2 zoning district within Community Redevelopment Areas.

**Request to Amend Comprehensive Plan, Future Land Use Element Text
(Residential Uses in Commercial Future Land Use Map Category)
Applicant: Building and Zoning Dept.**

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would revise Future Land Use Element Policy A.1.9.3.A.2 to allow residential uses in Commercial Future Land Use Map (FLUM) categories within Community Redevelopment Areas. There is a companion text amendment to the Zoning Code. Public notice included legal advertisement.

APPLICATION BACKGROUND

The Policy referenced above reads as follows:

Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts (Ordinance # 11-22). The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. The maximum height should not exceed 40 feet. (Ordinance # 12-50). Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use. See Policy A.1.3.2.

While the entirety of the downtown area is in the Commercial FLUM category, this area is a mix of different zoning districts, including Downtown Business, Downtown Riverfront, and C-2 (Intensive Commercial). As noted in the policy above residential uses are allowed in the FLUM with development standards for such uses found in the Zoning Code. However there are areas between Main Street and St. Johns Avenue zoned C-2 that have existing dwelling units and because the policy above limits residential uses to downtown zoning districts these uses are nonconforming. Specifically there are 14 single-family dwellings, two duplexes, one triplex, and one quadraplex in the downtown C-2 area. Staff recommends that the policy be amended to also allow residential uses in a Community Redevelopment Area (CRA) with the C-2 zoning. Density would be limited by FLUM and zoning restrictions based on lot size.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan.

These policies would not further urban sprawl, being the antithesis of the sprawl attributes listed in Florida Statute 163.3177 and shown below.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

Furthermore, the amendment is in keeping with the following objectives and policies of the Comprehensive Plan.

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

Staff recommends the following revised and new policies.

Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts and Community Redevelopment Areas, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts (Ordinance # 11-22). The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. The maximum height should not exceed 40 feet. (Ordinance # 12-50). Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use. See Policy A.1.3.2.

Case 13-17
Request for a Conditional Use for Nursing Home Expansion
6400 St. Johns Ave.
Applicant: North Central Florida Hospice

STAFF REPORT

DATE: April 30, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing expansion of existing nursing home. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

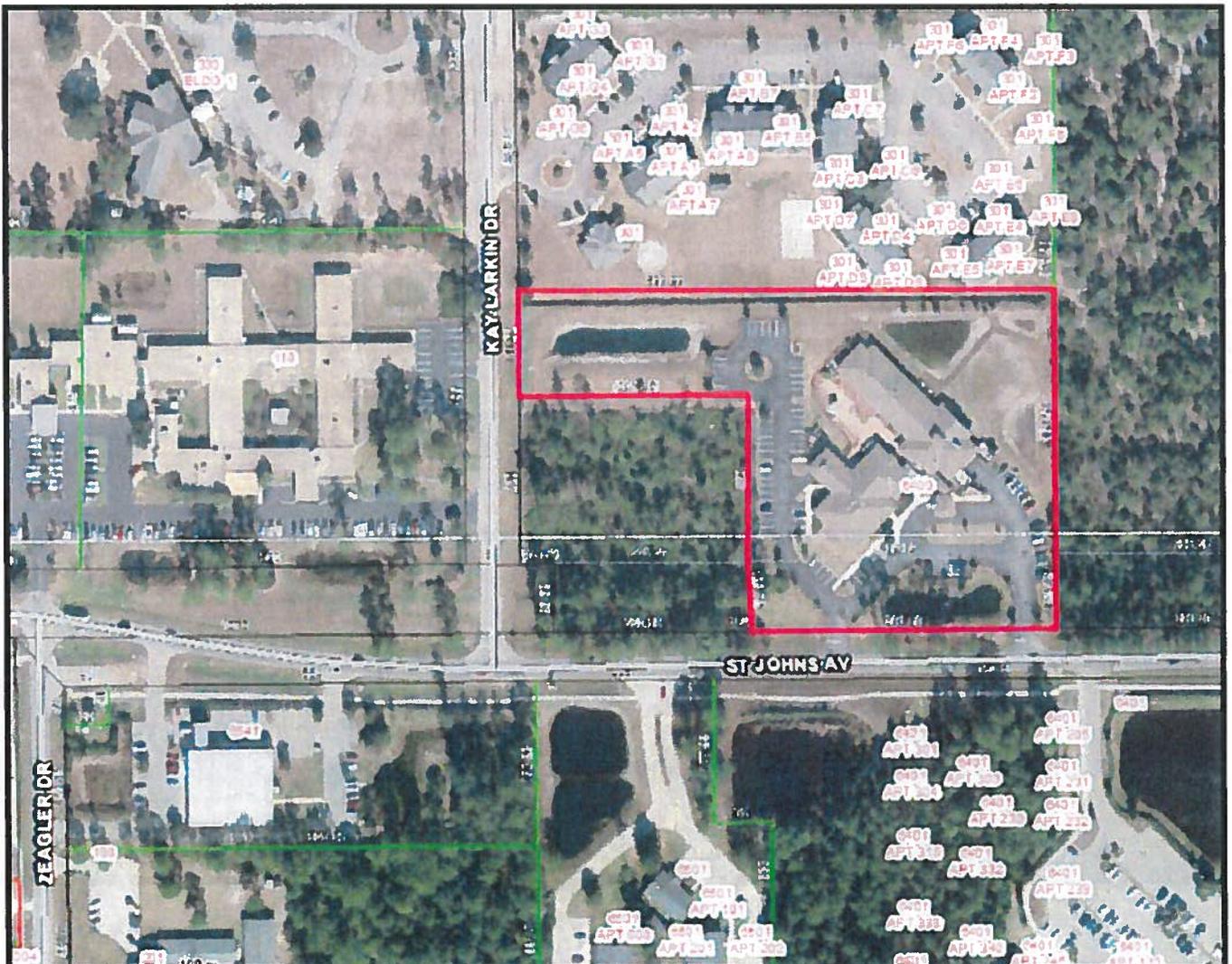


Figure 1: Property Location

APPLICATION BACKGROUND

The property houses the offices for Haven Hospice and an 11-bed nursing home. The Gainesville-based North Central Florida Hospice provides end-of-life care for patients and their families in this and four other centers in the region. The original conditional use permit was issued in 2002 following Planning Board approval. At this time the Applicants wish to expand the facility with a northeast wing of approximately 4,800 square feet, housing six additional beds and associated office space, a 938 square foot screened patio at the north end of the new wing, and a 3,550 square foot deck located between the northeast and northwest wings. A small part of the deck (670 square feet) will be roofed. The approved site plan shows the northeast wing, therefore this expansion is not under consideration, but the decking area and the screened patio was not shown on the site plan or referenced in the application, therefore the deck area will require conditional use approval.

PROJECT ANALYSIS

Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.

The area is an established mixed institutional/multi-family residential area, dominated by St. Johns River State College to the southeast, apartments to the south and north, and medical facilities along Zeagler Drive and St. Johns Avenue to the south and west. The municipal airport’s secondary north-south runway lies approximately 600 feet to the east.

Table 1: Site and Vicinity Land Use

	Actual Use	Future Land Use	Zoning
Site	Hospice	Residential High	R-3 (Multi-family)
East	Undeveloped	Commercial	C-2 (Intensive Commercial)
South	Senior Apartments	Residential High	R-3 (Multi-family)
West	Undeveloped	Commercial	C-2 (Intensive Commercial)
	Health Care Center	Residential High	R-3 (Multi-family)
North	Apartments	Commercial	C-2 (Intensive Commercial)



Figure 2: Facility from St. Johns Ave.



Figure 3: Northwest interior courtyard.

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 will not change and consists of two vehicular entrances from St. Johns Avenue. Pedestrian access will not change and is also from a sidewalk along both sides of St. Johns Avenue.

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.*

The current facility has 11 beds and the proposed addition will have another 6 beds, and according to the Property Appraiser the existing southwest wing has 6,237 square feet of office space. Therefore the expanded nursing home function will require 17 parking spaces and the office component will require 31 spaces, with a total of 48 required spaces. An on-site count showed 80 spaces with a 70% occupancy during the late afternoon, leading Staff to conclude that parking is sufficient and above code requirements. The parking area

closest to adjacent residential uses is in the northern part of the site (see Figure 4), and while it is not screened to code standards, the distance to the nearest apartment building (more than 400 feet away) mitigates any impacts of vehicle lights, noise, etc.



Figure 4: Apartments (left) & Hospice Office (right)

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

The site is served by two small dumpsters, one located next to the hospice wing on the front and east side of this building (shown in Figure 5), and the other in the north/rear of the site (shown in Figure 4). The front dumpster is visible from the driveway entrances and should be better screened or located to reduce its visibility from the entrance, either by providing screens on three sides or by positioning it more out of sight (to the left). The rear dumpster is missing a fence on the north side, as shown in Figure 4, which should be replaced.



Figure 5: Front dumpster as seen from entrance driveway

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.

Per Zoning Code Section 94-302(c)(3) the site is exempt from current Landscape Code requirements except for the east property line – the location of the addition within 100 feet of this property line requires that this buffer meet code. This is a Type “D” buffer which requires an option of a 30-foot wide buffer with four canopy and five understory trees per 100 linear feet, a hedge, and a six to eight foot-tall fence; or a 40-foot wide buffer with six canopy and six understory trees per 100 linear feet and a hedge. This translates to, for the 30-foot wide option, 18 canopy trees, and 22 understory trees. The landscape plan shows that the east buffer meets the landscape code, showing the required existing wood fence, a wax myrtle hedge, 19 canopy trees (three new live oaks and 16 existing slash pines), and 22 understory trees (existing and new viburnums).

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 is an existing sign on the St. Johns Ave. frontage – no additional signs are proposed.

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. Impacts of the existing and proposed use to the adjacent apartments to the north are minimal given its low-impact nature.

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

There are no conditional use special requirements for nursing homes.

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

Not applicable.

STAFF RECOMMENDATION

Staff recommends approval of Case 13-17, expansion of existing nursing home at 6400 St. Johns Avenue, in accordance with the attached site plan and narrative, and with the following recommendations.

1. Improve screening for front dumpster or locate to reduce its visibility from the entrance.
2. Replace missing fence on north side of rear dumpster.

ATTACHMENTS: 2002 PLANNING BOARD MINUTES FOR ORIGINAL CONDITIONAL USE
 2002 APPROVAL LETTER
 APPLICANT NARRATIVE & EXHIBITS

Case 02-05 Request for Annexation and Rezoning, amending the Future Land Use Map (Small Scale)

Location: 2110 Husson Ave.

Owner: Chavarro Deangelo & Keashia Thomas Humanity, Inc.

(Public Hearing)

Mrs. Thomas was present and spoke of her need for water and sewer services.

(Regular Meeting)

Motion to by Carl Stewart to approve the above request. Second by Ms. Jester. All present voted affirmative. Motion Carried.

Case 02-07 Request for a Conditional Use for a Professional & Business Office and Nursing & Convalescent Home

Location: 6400 St. Johns Ave.

Owner: Hospice of North Central Florida

Agent: Rory P. Causseaux, PE – Causseaux & Ellington, Inc.

(Public Hearing)

Mr. Causseaux, was present. Mr. Causseaux presented an illustration of the site plan and gave an overview of what the requested facility would provide for the patients as well as the community.

Mr. Stewart questioned staff if any comments were received in response to the public notices pertaining to this request.

Mr. Mengel replied that no responses were received.

Ms. Willis asked if the care center was going to be for Hospice patients only.

Mr. Causseaux replied yes.

Mr. Stewart questioned what the requirements were to qualify one for hospice.

A representative from one of the local Hospice Administrative offices answered that there are two requirements, a physician must refer you and that person must have a life threatening illness. All funding come from sources such as Medicaid, Medicare and private insurance. No one is ever turned away due to financial inability to pay, they have volunteer services that help raise funds for those who can not.

(Regular Meeting)

Motion to by Nick Harden to approve the above request subject to staff recommendations. Second by Ms. Roskosh. All present voted affirmative. Motion Carried.

Case 02-08 Request for Conditional Use for an Auction House

Location: 200 S 11th Street
Owner: Gas Properties Inc.
Agent: William Germany

(Public Hearing)

Mr. Germany was present to speak on behalf of this request. He advised he had parking worked out with authorization from Leon McKinnon as to the use of their parking area, if needed for overflow parking. Security was not a concern, as the outside will be heavily light, and security will be in place.

Mr. Stewart questioned what the hours of operation would be.

Mr. Germany replied, starting out only twice a week, and would probably be finishing up around 10:00 or 11:00 pm.

Adam Mengel advised that there were several conditions listed in the staff recommendations, mentioning two: amplified sound; any amplified sound would have to comply with the noise ordinance and any change substantially different from what has been presented in this application would require prior board approval.

Motion to by Jill Jester to approve the above request subject to staff recommendations and conditions. Second by Ms. Roskosh. All present voted affirmative. Motion Carried.

Additional Discussion:

Mr. Mengel advised the Board that there is a Downtown restructuring committee meeting scheduled for Tuesday, March 12th at 11:30 am for C-3 rezoning. He suggested that the Planning Board meet on Thursday March 14th, at 11:30 am for a workshop session.

Pat Freeman, Administrator for Palatka Health Care Center was present to express some concerns regarding the increasing amount of foot traffic along St. Johns Ave. and Zeagler Dr., going into the business park, and Holly Ridge etc. In researching and calling around the City, she has found there is no real plan for side-walking. She continued, that if we are allowing the growth to be taking place, that sidewalks need to be taken into consideration.



City of Palatka

Building & Zoning

201 N. 2nd Street

Palatka, Florida 32177

386-329-0103 • Fax 386-329-0172



March 5, 2002

Hospice of North Central Florida
P.O. Box 15235
Gainesville, FL 32604

Re: PB CASE # 02-07 Request for Conditional Use for a professional and business office & a nursing and convalescent home.

Dear Applicant;

At their regular meeting on March 5, 2002, the Planning Board approved the conditional use of your request referenced above, located at 6400 St. Johns Avenue in the City of Palatka. A copy of the minutes from the meeting for your case is enclosed.

You are subject to the provisions related to conditional uses provided in the Municipal Code, the testimony provided at the Planning Board Meeting, and the following conditions;

1. Any conditional use shall expire six months from the date of approval unless, upon request, an extension of time is granted by the planning board, if by that date the use for which the conditional use was granted has not been commenced.
2. Any conditional use shall expire 12 months following the discontinuance of the use which the conditional use was granted if the use has not been recommenced.
3. Landscape buffers are to be installed and maintained according to Code requirements. This will be verified as part of the building inspection process. The maintenance of landscape buffer areas is a condition to the continuation of this grant of Conditional Use.
4. The refuse and service area will be required to be buffered by six (6) to eight (8) foot high fence or solid wall, unless otherwise specified and approved by the Building Official and Planning Director. This buffer will not be required to completely enclosed the refuse and service area, but should serve to reduce the visual and noise impact resulting from operations in these areas.
5. No handicapped-accessible or loading spaces are currently delineated on the applicant's site plan dated February 6, 2002. Handicapped-accessible and loading parking spaces will be installed as required by the City's Municipal and the Florida Accessibility Code.

6. A sign permit will be required for the installation of any signage. The Building Official and Planning Director will review the sign permit plans at the time of permit application submittal for compatibility with surrounding properties and compliance with the Municipal Code and applicable building codes.
7. Any on-site lighting shall be shielded and aimed downward so as to reduce glare on adjacent parcels.

Should you have any questions in regards to any of this, do not hesitate to contact the City Building Department at 386-329-0103.

Sincerely,

Pam Sprouse
Recording Secretary
for PB

cc: Rory P. Causseaux, P.E. – Casseaux and Ellington, Inc.
File

1. Executive Summary

Causseaux, Hewett, & Walpole, Inc.
 Engineering • Surveying • Planning • CEI

To: Mr. Thad Crowe, Planning Director

#12-0395

From: Guy Parola, AICP, Planning Project Manager

Date: April 15, 2012

Re: Robert's Care Center Conditional Use Permit

Jurisdiction: City of Palatka		Intent of Development: Hospice Care Facility (Existing)	
Description of Location: St. Johns Avenue & Kay Larkin Drive			
Parcel Numbers: 03-10-26-0000-0131-0090		Acres: ±5.11	
Current Land Use Classification: Residential High (RH)		Proposed Land Use Classification: N/A	
Current Zoning Classification: Residential 3 (R-3)		Proposed Zoning Classification: N/A	
Current Maximum Density/Intensity N/A – Hospice Care Facility		Potential Maximum Density/Intensity N/A – Hospice Care Facility	
Evaluation Summary		Positives	Negatives
Extent (Relative to existing land uses)		+	
Location (Relative to existing urban core)		+	
Distribution (Vehicular & Pedestrian)		+	
Density (Maximum allowable units)		+	
Intensity (Impact of development)		+	
Compatibility (To surrounding land use)		+	
Suitability (Land characteristics)		+	
Functional Relationship (Relation to area)		+	
Land Use Combination (Promotion of mixes)		+	
Evaluation Summary Total		+ 9	0

2. STATEMENT OF PROPOSED CHANGE

There is no fundamental change to the use of the property granted by the original Conditional Use Permit approved in 2002. Rather, the Conditional Use Permit (CUP) is being sought so that a deck, as more fully illustrated by the horizontal control plan (i.e. "site plan"), may be included as part of future construction.



Figure 1: General Location Map

3. PLANNING BOARD REVIEW CRITERIA (S. 94-3)

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

a. Compliance with all applicable elements of the Comprehensive Plan.

Response: The continuation and development of the existing facility, as approved by the Planning Board on March 5, 2002, with the inclusion of a deck is compliant with the following goals, objectives and/or policies of the Comprehensive Plan:

Policy A.1.9.3

Land Development Regulations adopted, to implement this Plan shall be based on the following land use standards:

A. Land Use Districts

1. Residential

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

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

Medium Density (231 acres) - provides for a range of densities up to 10 units per acre.

High Density (477 acres) - provides for a range of densities up to 18 units per acre.

Residential development within the 100-year floodplain will be required to meet the standards of Policy A.1.1.1 for construction, Policy A.1.1.3 for placement of septic tank sewerage systems, and Policy A.1.4.1 for density.

Objective A.1.11

The City shall protect private property rights and recognize the existence of private interest in land use.

Policy A.1.11.1

The City will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

Objective C.1.2

The City shall ensure the provision of adequate housing for special needs households housing for the homeless, handicapped, elderly).

- 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.**

Response: There are two means of ingress and egress from St. Johns Avenue, a publicly maintained roadway. The site plan was originally approved in 2002 as part of CUP Application PB Case #02-07. Included in that site plan was a future building located contiguous to the northeast stormwater pond. What was defined as a "future building" is now ready for construction with the addition of a deck. It is the deck addition that is the impetus for this CUP. Being that the deck in and of itself is not a traffic generator, is not contiguous or adjacent to a vehicular use area, and the inhabitable space was contemplated as part of the original CUP and development plan approval, there is no negative impact on ingress/egress.

- 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.**

Response: There is no change in the existing off-street parking and internal vehicular traffic circulation pattern from that which was approved by, and constructed in accordance with, PB Case #02-07 approved by the Planning Board on March 5, 2002.

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

Response: There is no change in the existing refuse and service areas from that which was approved by, and constructed in accordance with, PB Case #02-07 approved by the Planning Board on March 5, 2002. Because of the nature of the facility, special medical waste and trash provisions are privately contracted for.

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

Response: The 4,747 square feet of additional inhabitable space, again which was approved in 2002 as part of the original CUP, connects to an existing building. Utilities are already installed throughout the site.

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

Response: There is no change in the general location of buildings, noting that existing buildings will remain and the new building incorporated built where originally contemplated and approved in 2002. Further the addition of a deck does not intrude into any required buffer.

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.

Response: There is no change in signage, no additional signage, and no change in type of signage being proposed.

h. Required yards and other open space.

Response: There is no change in the minimum yard requirements or dedicated open space. Rather, a retention pond, by virtue of a deck, will become functional open space.

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

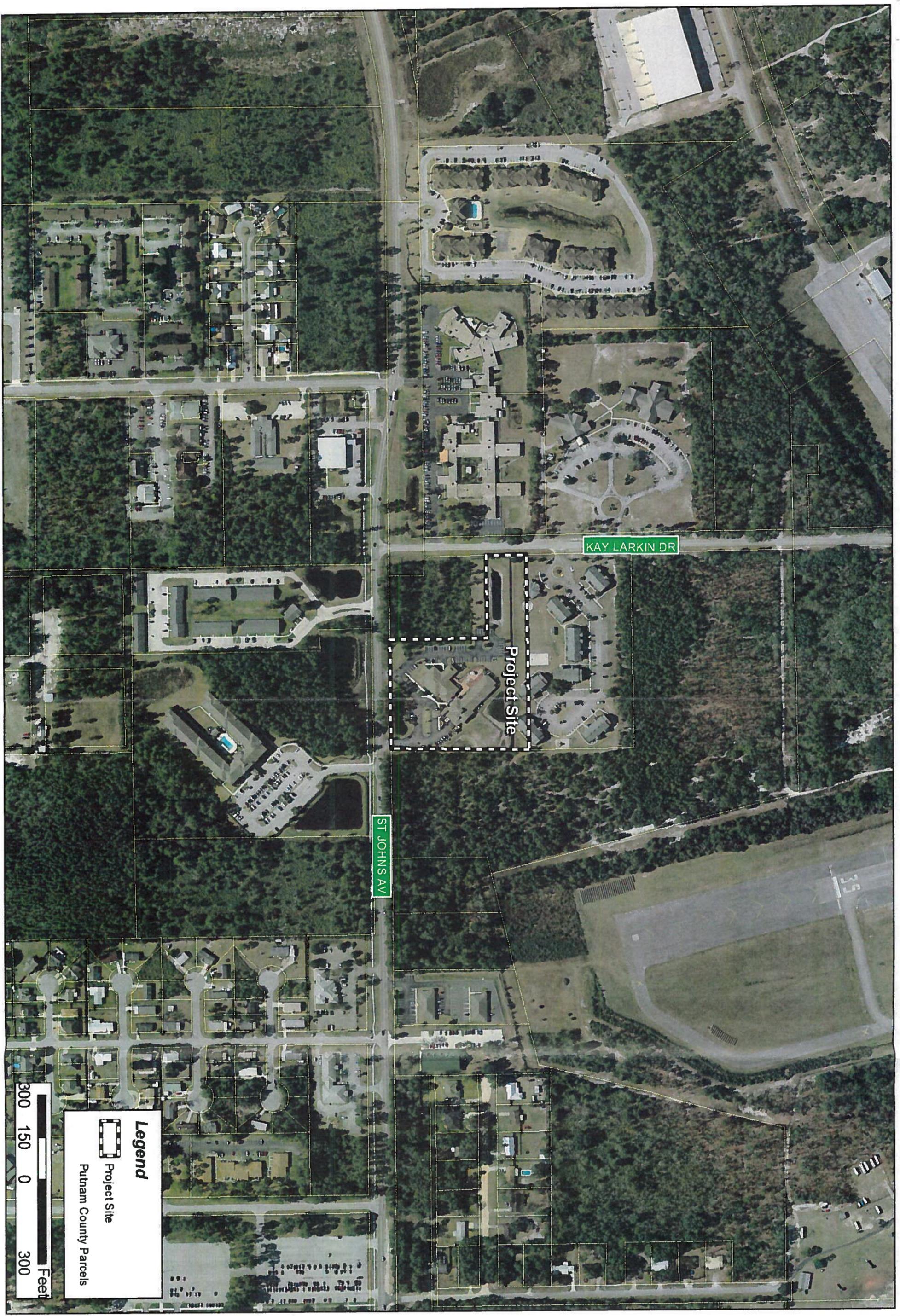
Response: There is no fundamental change in the nature of the property. The use was found compatible in 2002 and based on all evidence remains compatible with adjacent properties today.

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

Response: There appear to be no additional standards for nursing and convalescent homes as a conditional use within the R-3 zoning district per s. 94-145(3)(5), Municipal Code.

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

Response: The site is not located within or adjacent to an historic district.



KAY LARKIN DR

Project Site

ST JOHNS AV



Legend

- Project Site
- Putnam County Parcels

Causeaux, Hewett, & Walpole, Inc.
 Engineering · Surveying · Planning · CEI
 132 NW 76th Drive, Gainesville, FL 32607
 Phone: (352) 331-1976 Fax: (352) 331-2476
<http://www.chw-inc.com>

Prepared by: Employee MW
 Project No: HAD 1403 01/08/12
 Project Date: 1/20/12
 Date: April 10, 2012



Robert's Care Center

ROBERTS CARE CENTER EXPANSION & REMODELING

HOSPICE PALATKA
PALATKA, FLORIDA

CONSULTANT:

SCALE:

PROJECT NO.	13-021
DRAWN BY:	LHJ
CHECKED BY:	EBS
DATE:	2013-04-15
REVISIONS:	

DRAWING TITLE:

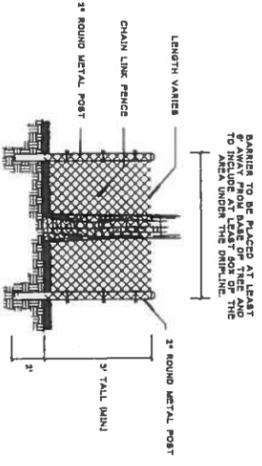
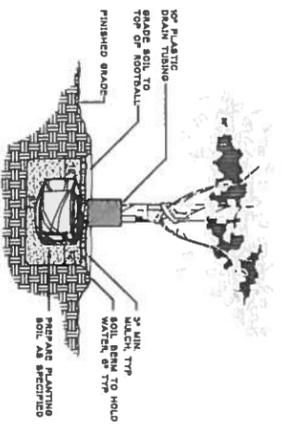
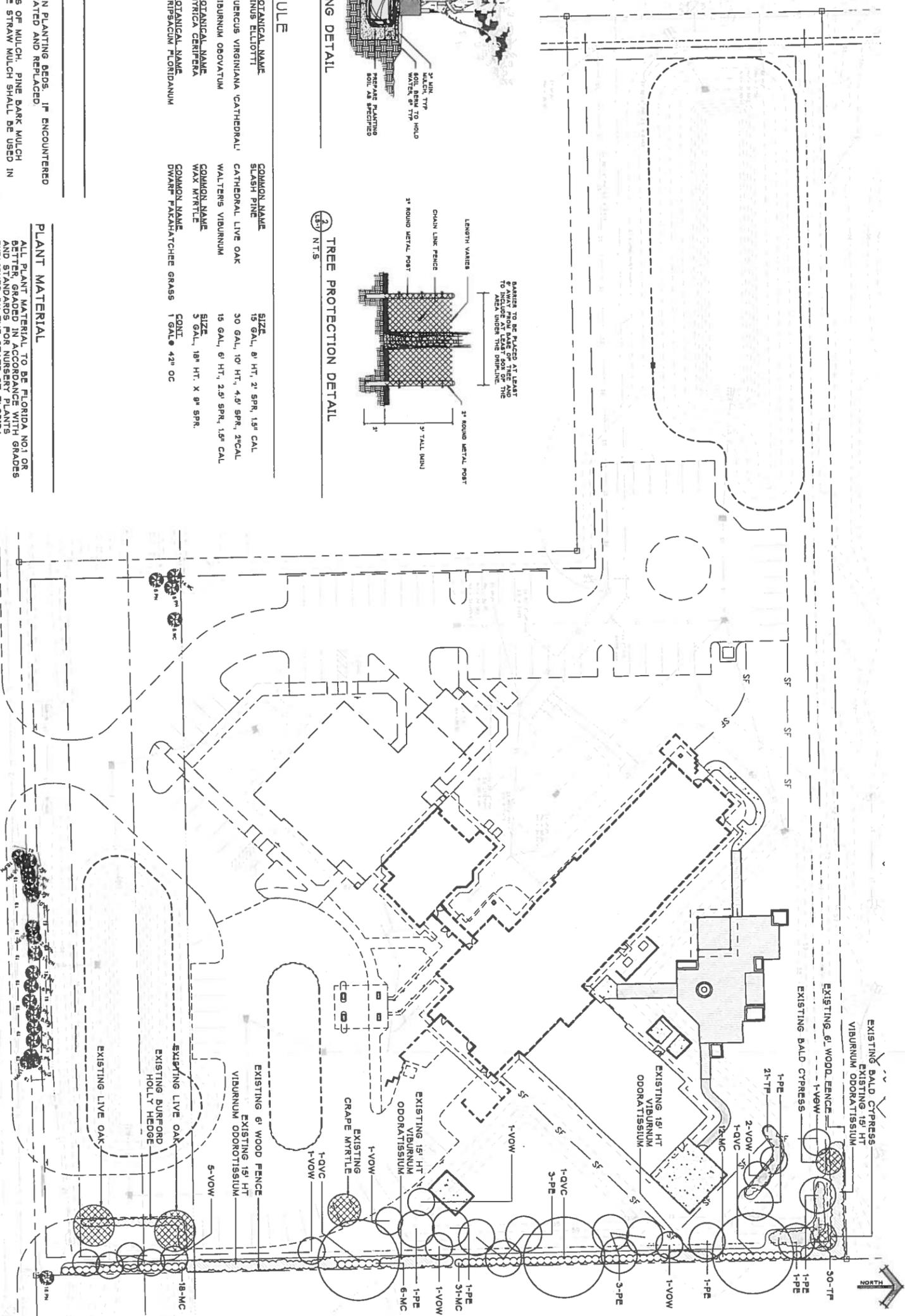
LANDSCAPE PLAN

ISSUED FOR:

SITE PLAN REVIEW

DRAWING NUMBER:

LS-1



1 TREE PLANTING DETAIL
LS-1 N.T.S.

2 TREE PROTECTION DETAIL
LS-2 N.T.S.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE
PE	12	PINES ELIOTTI	SLASH PINE	15 GAL, 8' HT, 2" SPR, 1.5" CAL
QVC	3	QUERCUS VIRGINIANA CATHEDRAL	CATHEDRAL LIVE OAK	30 GAL, 10' HT, 4.5" SPR, 2" CAL
VOW	13	VIBURNUM OBOVATUM	WALTERS VIBURNUM	15 GAL, 6' HT, 2.5" SPR, 1.5" CAL
SRUBS	67	MYRTICA CERIFERA	WAX MYRTLE	5 GAL, 18" HT, X 8" SPR
MC				
GROUND COVERS	512	TRIPLODENDON FLORIDANUM	COMMON YACONTHACHEE GRASS	1 GAL @ 42" OC

GENERAL NOTES

NO ASPHALT, LIMESTONE OR CONSTRUCTION DEBRIS IS ALLOWED IN PLANTING BEDS. IF ENCOUNTERED DURING CONSTRUCTION OR INSTALLATION, THESE WILL BE EXCAVATED AND REPLACED.

ALL LANDSCAPED AREAS SHALL BE MULCHED WITH 3" THICKNESS OF MULCH. PINE BARK MULCH SHALL BE USED IN ALL AREAS, EXCEPT RETENTION AREAS. FINE STRAW MULCH SHALL BE USED IN RETENTION AREAS.

NEW TREES OUTSIDE OF MULCHED LANDSCAPED BEDS WILL BE PROTECTED FROM MOWER AND STRING TRIMMER DAMAGE WITH 10" OF PLASTIC DRAIN TUBING.

LEADER SHOOTS AND MAIN STRUCTURAL LIMBS OF TREES WILL NOT BE TOPPED OR PRUNED TREES WILL BE STAKED AS NEEDED. GUTLINES WILL BE OF NON-SYNTHETIC BIODEGRADABLE CONDUIT.

GROUND COVERS SHALL BE PROVIDED THROUGHOUT THE BUFFER AREA. IF GRASS IS USED, IT SHALL BE OF A SPECIES NORMALLY GROWN AS PERMANENT LAWNS IN THE VICINITY OF PALATKA, FLORIDA. GRASS AREAS MAY BE SOEDED, PLUGGED, SPRIGGED OR SEEDED.

SHRUBS AND ORNAMENTAL GRASSES SHALL BE A MINIMUM OF 12 INCHES IN HEIGHT WHEN MEASURED IMMEDIATELY AFTER PLANTING.

PLANTINGS SHALL BE INSTALLED TO CURRENT NURSERY INDUSTRY STANDARDS. PLANT MATERIALS SHALL BE PROPERLY SUPPORTED TO ENSURE SURVIVAL. SUPPORT DEVICES SUCH AS GUY WIRES OR STAKES SHALL NOT INTERFERE WITH VEHICULAR OR PEDESTRIAN MOVEMENT AND SHALL BE REMOVED AFTER 12 MONTHS.

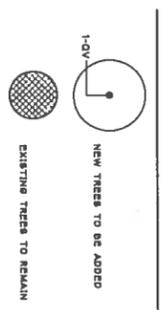
TO ENSURE THAT PLANTS WILL SURVIVE THE CRITICAL ESTABLISHMENT PERIOD WHEN THEY ARE MOST VULNERABLE DUE TO LACK OF WATERING, ALL BUFFER AREAS SHOULD BE PROVIDED WITH MEANS OF PROVIDING WATER WITH ONE OF THE FOLLOWING TWO OPTIONS: A PERMANENT SUB-IRRIGATION SYSTEM OR A TEMPORARY WATERING SYSTEM. EITHER OPTION SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CRITICAL ESTABLISHMENT PERIOD. THE SYSTEM SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS ON THEIR OWN ONCE ESTABLISHED.

ALL REQUIRED BUFFER AREAS SHALL BE PROTECTED FROM POTENTIAL DAMAGE BY ADJACENT USES AND DEVELOPMENT, INCLUDING PARKING AND STORAGE AREAS. A TREE PROTECTION DEVICE SHALL BE INSTALLED AT THE DRIFLINE OF THE TREE CANOPY OR IN THE CASE OF PRESERVED TREES IN LANDSCAPE ISLANDS AT THE LOCATION OF CURBING TO PROTECT THE TREE AND ROOT ZONE.

PLANT MATERIAL

ALL PLANT MATERIAL TO BE FLORIDA NO.1 OR BETTER GRADES IN ACCORDANCE WITH STANDARDS FOR NURSERY PLANTS PUBLISHED BY THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE.

LEGEND



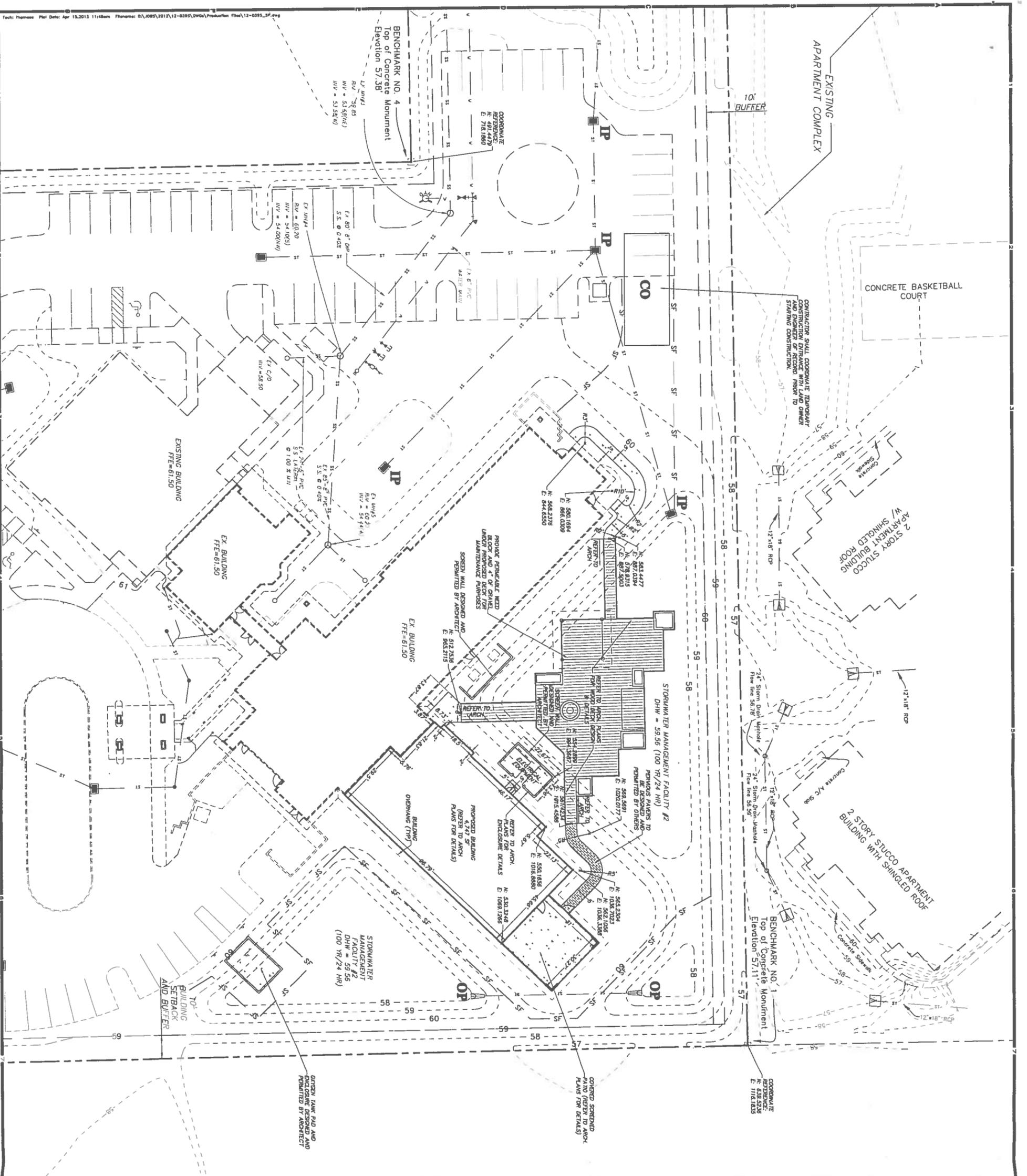
TREE PROTECTION

PRIOR TO ANY LAND CLEARING OPERATIONS, TREE LIMBS WHICH INTERFERE WITH CONSTRUCTION SHALL BE REMOVED AND TEMPORARY BARRIERS SHALL BE INSTALLED AROUND ALL TREES TO REMAIN WITHIN THE LIMITS OF LAND CLEARING OR CONSTRUCTION AND SHALL REMAIN UNTIL THE COMPLETION OF THE WORK. THE TEMPORARY BARRIER SHALL BE AT LEAST THREE FEET HIGH, SHALL BE PLACED AT LEAST SIX FEET AWAY FROM THE BASE OF ANY TREE, AND SHALL INCLUDE AT LEAST SIX FEET OF THE AREA UNDER THE DRIFLINE OF ANY PROTECTED TREE. THE BARRIER SHALL BE A MINIMUM OF EIGHT FEET APART WITH A TWO-TO-FOUR MINIMUM TOP RAIL, OR A TEMPORARY WIRE MESH OR OTHER SIMILAR BARRIER WHICH WILL LIMIT ACCESS TO THE PROTECTED AREA.

PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Per Sec 84-303 - 84-305 Buffer Requirements

LOCATION	BUFFER LENGTH & TYPE	LANDSCAPE REQUIRED	LANDSCAPE PROVIDED
EAST PERIMETER	449 lin ft Buffer Type 1P Option 2	18 Canopy Trees 23 Understory Trees	18 Canopy Trees 15 Proposed + 4 Existing 23 Understory Trees Viburnum Odoratissimum
		112 Shrubs	116 Shrubs 118 Proposed
		6' Wood Fence	Existing 6' Wood Shadowbox Fence provided



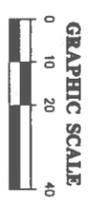
LEGEND

IP = INLET PROTECTION
 OP = OUTLET PROTECTION
 CO = CONSTRUCTION ENTRANCE/EXIT
 SF = CONCRETE SIDEWALK
 (REFER TO C2.30 FOR DETAIL)

NOTES:

- PRIOR TO INSTALLING PERMEABLE WEED BLOCK AND 4" GRAVEL UNDER THE PROPOSED DECK CONTRACTOR SHALL REMOVE ALL DEBRIS AND SCAFFOLD/RACK BOTTOM OF STORMWATER POND.

- UTILITIES WILL BE PROVIDED FROM EXISTING BUILDING STUD OUTS.



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 04/15/13 - CITY OF PALATKA RESUBMITTAL

DATE	CHKD	DWT
02/28/13	C1.10	T.C
DETAILS HORIZONTAL CONTROL AND SITE PLAN 12-0395		



Roberts Care Center Expansion & Remodeling

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 Galveston, Florida 32901
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 FAX 352 / 372-0442



**Request for a Conditional Use for Nursing Home Expansion
310 N. 2nd St. (feeding) & 211 Madison (school)**

Applicant: St. Mark's Episcopal Church

STAFF REPORT

DATE: May 1, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing current nonconforming activities of 1) feeding homeless and 2) Banner School offering teen outreach activities and curriculum for local high school and college students. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



Figure 1: Property Location – Feeding takes place in the Parish Hall and school in the Educational Building

APPLICATION BACKGROUND

This application was initiated by the Applicant after being informed by Staff that both the feeding and school activities are in violation of the Zoning Code and did not receive proper approvals. A brief description of each activity follows, and the Applicant has provided additional materials included with the staff report.

Feeding. As stated within the Applicant's narrative, the feeding program takes place four nights per week (Monday, Tuesday, Thursday, and Friday), between 4 PM and 6 PM and is run by Putnam Coalition of Care, Inc. (the Church is not involved in the activities). Cooking is done off-site. The Applicant notes that this activity has occurred many times over the years but Staff has not received any documentation that would clearly establish the feeding as a nonconforming characteristic of use – i.e. an activity that has consistently occurred on a regular and recurring basis since 1981, the date of Zoning Code adoption.

School. There has been formal approval of a school at this location in the past, namely in 2003 when the Planning Board approved a childcare facility in 2003 with the following conditions of approval:

- Six-foot high wooden fence or hedge around the playground area.
- One parking space for every two employees along with a designated loading space and handicapped space.
- Refuse area buffered by a six to eight foot tall fence or wall.
- On-site lighting shielded and aimed downward to reduce glare on adjacent parcels.

This use discontinued at a later date, and per Zoning Code Section 94-3(5)b, if a conditional use is dormant for more than 12 months the approval expires, which prompted this application. The current Banner School is run in conjunction with the Putnam County School District and Health Department and is oriented toward life and learning skills (further described in attachments).

PROJECT ANALYSIS

Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.

The church complex occupies an area that transitions between the office/residential character of Main Street and the single-family character of Madison Street. While the Parish Hall faces North 2nd Street offices the school building is immediately adjacent to single-family homes to the west and across the street from other single-family homes to the north.

Table 1: Site and Vicinity Land Use

	Actual Use	Future Land Use	Zoning
Site	Church, Church Office & Activities, Feeding, School	RL (Residential Low)	R-1 (Single-family Residential)
East	Office Building	RH (Residential High)	R-3 (Multi-family Residential)
South	Church	RH (Residential High)	R-3 (Multi-family Residential)
West	Single-Family Dwellings	RL (Residential Low)	R-1 (Single-family Residential)
North	Single-Family Dwellings	RL (Residential Low)	R-1 (Single-family Residential)



Figure 2: Parish Hall (Feeding Location)



Figure 3: Educational Building (School)

a. *Compliance with all applicable elements of the comprehensive plan.*

The following Comprehensive Plan policies are applicable to this request, with staff comments following each.

- **Future Land Use Element Policy A.1.9.3** describes the Residential Future Land Use Map categories as follows: *“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.”*

Staff comment- school: Defining and gauging compatibility between uses can be a difficult task. The Board dealt with this issue when considering the Husson Street School District warehouse. Staff’s position then was stated as follows:

“Compatibility between schools and residences was attributable to the connection of such facilities with surrounding neighborhoods. Neighborhood children often walk to school and residents view schools as familiar neighborhood institutions and as a public good, benefiting from the green space that school facilities provide. While hundreds of people travel to and spend time at schools, most of these aren’t driving and therefore traffic does not impact residential neighborhoods the way that commercial or industrial uses of a comparable size and scale would. The traffic that does occur is limited to peak hour times in the morning and mid-afternoon, and by 3:00 PM and over the weekend schools are empty and quiet, while many other commercial uses continue to function.”

It should be noted that the Banner School does not provide the same level of compatibility as it is not a neighborhood school. It should also be noted that while most of the 25-30 students are of driving age, the smaller number of them provide considerably fewer impacts than a public school with hundreds of students. The building is clearly limited in its impacts by its small size. That being said, the school is in much more close proximity to single-family dwellings than a typical school, so even a small number of students could potentially impact the immediate surroundings in regard to noise and traffic. In several random visits to the site during the school day Staff has observed students in the courtyard area who did not seem to be involved in structured activities and were engaged in fairly loud conversations. Staff also observed that parking and pick-up/drop-off occurred on Madison Street, a residential street. Staff concludes that the issue of compatibility is somewhat of a split decision, and its determination is much better made by the testimony of residents during the public hearing who can attest to the impacts of the use on an ongoing, day-to-day basis.

Staff comment – feeding: conclusions regarding compatibility are somewhat mixed as well due to the zoning/use transitional nature of the church site. The activity takes place in the Parish Hall, which fronts on a

nonresidential block, therefore residences are not directly impacted by the activity. However the indirect impacts of the activity are the vehicle and pedestrian traffic to the location through the neighborhood. Staff did not have the ability to survey such activity on a regular basis, and once again this assessment as well as the larger issue of compatibility is best determined by resident testimony at the public hearing.

- **Future Land Use Element Policy A.1.3.2** *By June 2008, the Building Official shall review the City's Zoning Code and Subdivision Regulation to ensure that current buffering and separation standards between land uses of different densities or intensities of use remain sufficient to ensure compatibility between uses, or mitigate the effects of more dense / intense uses on less dense / intense uses. Issues of compatibility shall include considerations for noise, sight, and level of traffic generation. The primary tool of ensuring capability between land uses shall be the Future Land Use Map and the elimination of non-conforming land uses. Other techniques shall include: Noise and sight incompatibility -- screening by either a 6' solid physical wall or landscape plantings to reach, within 18 months, a height of at least 5 feet and an opacity of 80 percent.*

Staff comment - school: This policy provides direction that when the City has the opportunity to eliminate incompatible uses, it should do so, particularly if such incompatibility cannot be mitigated by fences, vegetation, etc. The close proximity of the school to residences invites potential incompatibility, as previously discussed. There is currently no fence, wall, hedge, or any type of buffering between the school building and the house that is around ten feet to the west. The close proximity of the adjacent home would make such a screening element ineffective from noise impacts, which tunnel through an opening in the building facing this house.

Staff comment – feeding: As there are no residences immediately adjacent to the Parish Hall there is not the need to provide buffering.

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.

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.

Staff comment - school: Vehicular access to the site is from Madison Street and consists of mostly on-street parking and dropping off/picking up. The only on-street parking consists of a single driveway off Madison Street that can accommodate two cars, all other parking and loading occurs on Madison Street. On a number of random visits Staff has not observed that this activity has produced high levels of parking and traffic, but again, this is something that is better testified to by residents. Given the presence of sidewalks in the area there are no concerns regarding pedestrian safety.

Staff comment – feeding: Again, Staff's infrequent observations did not determine a high level of pedestrian or vehicle traffic for this use, but this assessment is best determined from vicinity residents testimony. Staff did observe on several occasions a number of patrons in the office parking lot across the street from the Parish Hall smoking cigarettes, probably because smoking is not allowed on the church premises.

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

Staff comment: Staff observed unscreened garbage cans visible from Madison Street, adjacent to the rear wall of the Parish Hall.

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

Staff comment: The property is appropriately served by utilities.

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

Staff comment: see previous response to a.

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.

Staff comment: neither activity at this time provides any signage. Any proposed signage must meet sign code standards. Staff did not observe site lighting that appeared to result in off-site glare.

h. Required yards and other open space.

Staff comment: See previous response to a.

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

Staff comment: The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. The comments made in response to a. above address this criterion.

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

Staff comment: There are no conditional use special requirements for feeding programs or schools.

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

Staff comment: Not applicable.

Conclusion

Staff evaluation of the conditional use criteria indicates that both activities have the potential to negatively impact the adjacent residential neighborhood through noise and pedestrian and vehicle traffic. However if the scale of activities of either or both uses is at a low level such impacts could be minimal. Staff could not determine the levels of impacts on the neighborhood through field observations, and these assessments are best made after hearing testimony from both the Applicant and the affected neighbors.

A final comment on the feeding program pertains to the definition of a conditional use: "a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare." There seems to be a concentration of feeding activities in or near the North Historic District. The Bread of Life, four blocks away at 320 N. 5th St, operates on a lunchtime schedule seven days a week. The Caring Center, at 1016 Main St., serves dinner Monday through Thursday and on Sunday (although after the first three free days the meals cost \$81.50 per week). The Heart of Putnam Food Pantry is located at 820 Reid St. Staff would ask the Board to consider the point of view that multiple service providers could join forces and provide such an activity at a more appropriate location that would not result in immediate impacts to the surrounding neighborhood. The

Board cannot control how this occurs, but it can evaluate each specific proposed location for feeding activities on its merits.

STAFF RECOMMENDATION

Staff withholds a specific recommendation for Case 13-18 without knowledge of resident testimony regarding compatibility and impacts of the uses. Staff believes that based on this analysis, in concert with resident testimony, the Board has the ability to approve or deny the request. However should the Board see fit to recommend approval, Staff advises that the following conditions of approval apply:

1. Activities are to be in accordance with the attached site plan and narrative.
2. All activities to occur indoors.
3. Feeding and school parking, pick-up, and drop-off to occur only on N. 2nd St., employee parking allowed on Madison St. and Madison St. driveway (signage to be erected accordingly).
4. Eight-foot tall stockade fence to be erected on the west side of the school to buffer the adjacent residence.
5. Six-foot tall stockade fence to be installed in a location that continues the front wall of the educational building facing Madison Street in a manner that visually screens the courtyard from street view.
6. Hours of operation limited to Monday, Tuesday, Thursday, and Friday 4 to 6 PM for feeding, and regular weekday school hours for the school.
7. Garbage cans to be kept within screened enclosure not visible from rights-of-way or adjacent property owners.
8. External lighting to be shielded and downcast so as not to produce glare for surrounding properties and rights-of-way.
9. Signage within both facilities to be erected to request curtailing noise outside out of respect for neighbors. The Church shall designate an on-site staff individual or an individual associated with both activities and provide contact information for these individuals to the North Historic District Neighborhood Association and the Palatka Police Department.
10. Approval is specifically granted to St. Mark's Episcopal Church, which is the responsible party, in concert with the Teen Outreach Program/Banner School and Putnam Coalition of Care, Inc. Transfer of conditional use to other entities shall not be allowed without Planning Board approval through conditional use process.
11. Repeated and documented violations of the conditions of approval shall result in revocation of conditional use permit.

ATTACHMENTS: ~~APPLICANT NARRATIVE & EXHIBITS~~
 2003 PLANNING BOARD STAFF REPORT FOR ORIGINAL CONDITIONAL USE

St. Mark's Episcopal Church

200 Main Street, P. O. Box 370

Palatka, Florida 32178

Office: (386) 328-1474 Fax: (386) 325-2218

The Rev. Michael Moore, Priest-in-Charge

Saint Mark's Church, Episcopal Diocese of Florida, petitions the Planning Board to continue serving the hungry and homeless by providing meals four nights per week, through the auspices of Putnam Coalition of Care, Inc. by providing space only, for their feeding. Cooking is done off-site and carried to the Parish House four evenings per week (Monday, Tuesday, Thursday, Friday) from 4PM to 6PM. This facility is adequate for this use, having served meals to the hungry and homeless many times during its one hundred-sixty year history.

The Parish House is used regularly as a meeting place for parishioners and others. Breakfast is served each Sunday to our parishioners and their guests, and has been since 1983. Wednesday Night Suppers and worship are also an on-going part of parish life, utilizing the Parish House.

Other parish-sponsored activities in the Parish House are Saint Mark's Boy Scout troop, Wood-Carvers, Daughters of the King, Episcopal Church Women, to cite a few examples.

In accordance with (4) Findings of Sec.94-3:

In addition, the church campus also provides space to the local campus of the state-wide Banner School, which, in partnership with Saint Johns River State College and the Putnam County Health Department, addresses the needs of young people who have "fallen through the cracks" to bring them up to grade level and college-level (please see attached Exhibit No. 4). There are 25-30 part-time(dually enrolled at Saint Johns) and full-time, four on-site teachers, and two administrators, utilizing two class-rooms. Their school year is August 21-May 24, five days per week, from 8:30AM to 1 PM. There are no outside activities to address.

Items a) through k) were also addressed in CASE NUMBER 03-031, to operate the Charter School, found adequate and a Conditional Use permit issued.

a) This petition addresses.

b) There is no change required to existing on and off-street parking for these activities. Adequate access is already available for any emergency vehicle.

c) There has been no noise, glare or odor problems directly reported to Saint Marks, regarding these activities.

d) Refuse and service areas are already in place and in use and no additions are requested.

e) Utilities are already in place and in use and no additions are requested.

f) The requested activities take place indoors and no screening or buffering is needed.

g) No additional signage or exterior lighting is requested.

h) Open spaces are adequate

i) The Parish House faces a business and parking lot, which is closed during the requested activity. The church campus is bounded by businesses, parking lots, RCMA, and a vacant house. Only two occupied houses are directly across from the church campus.

j) None noted

k) None noted

The following information is being provided to make you aware of the Teen Outreach Program (TOP) that is being offered with your students. It is sponsored by the Florida Department of Health (DOH) and the U.S. Office of Adolescent Health. The Florida DOH is offering TOP in over 40 high schools in Florida to see how well this program works in comparison to other school health programs. TOP is being offered to your school through a partnership between the County Health Department and County School District.

Teen Outreach Program (TOP) is a positive youth development curriculum that encourages Healthy Behavior, Life Skills and a Sense of Purpose in youth. This program is intended to support parents, teachers and youth leaders as the primary influence in the lives of adolescents. The TOP curriculum addresses a range of issues for teens through a Youth Development approach. The following details offer several important points about the program:

- The purpose of TOP is to provide youth with the opportunity to gain skills in problem-solving, communication, asset building and critical thinking skills.
- TOP has been evaluated and proven to lower the risk of school suspension, course failure and teen pregnancy among participants.
- Students will participate in weekly lessons (a minimum of 25) and they will have the opportunity to participate in community service learning (a minimum of 20 hours) over the course of the 9 months.
- The facilitators have been certified in the TOP curriculum and take a “values neutral” approach. It is asked of teachers and adults to observe this approach during TOP meeting time. This position allows students to learn *how* to think instead of being taught *what* to think.
- TOP facilitators are a guest in your school/organization. An adult from the school/organization must be present during class time for accountability and to be responsible for disciplinary actions with participants.

For more information about Wyman’s Teen Outreach Program, visit www.wymantop.org

For more information about the TOP program in Putnam County, contact:

TOP Facilitator – April Curtis

Email: april_curtis@doh.state.fl.us

Phone: 386-326-3317

Teach classes
1 1/2 hours.

Exhibit 1

STREET

SECOND STREET



MADISON STRE

PLANNING BOARD REPORT

CASE NUMBER: 03-031

APPLICATION TYPE: Conditional Use

APPLICANT: Episcopal Church in Diocese of Florida; 325 Market Street; Jacksonville, Florida 32202-2732

OWNER: (same as APPLICANT above)

AGENT: William L. Townsend, Jr., Esq. (386-328-9676) or Geraldine B. Melosh (386-325-0962)

REQUESTED ACTION: Approve Conditional Use for a childcare facility (Sec. 94-143(e), cross-referenced back to Sec. 94-142(e)(1))

PURPOSE: To operate a school

911 ADDRESS: 200 Main Street

LOCATION OF PROPERTY: on the West side of North 2nd Street, between Main Street and Madison Street

PARCEL IDENTIFICATION NUMBER: 42-10-27-6850-0090-0050 and 0090

SIZE: 0.81 acres

EXISTING CONDITIONS:

Present zoning and use of property: City R-1 (single-family residential), school building, office building, parish hall, and historic church

Adjacent zoning/use:

North	– R-1 zoning, residential
South	– Main Street right-of-way
East	– North 2 nd right-of-way
West	– R-1 zoning, residential

Available public services:

- Water** – 6" water main along Main Street
- Sanitary sewer** – 8" sewer main along Main Street and North 2nd Street
- Stormwater** – to be reviewed by SJRWMD, as necessary
- Traffic circulation** – minimal impacts since use will draw from existing background traffic
- Police** – no impacts are anticipated
- Fire** – no impacts are anticipated
- Schools** – use will not impact school availability

MEETING INFORMATION: All meetings are held in the City Commission meeting room in City Hall, 201 North 2nd Street in Palatka. Planning Board meetings are held the first Tuesday of each month at 4:00 p.m., unless otherwise scheduled and advertised, as may be the case from time to time for called or special meetings.

Planning Board (public hearing): Tuesday, July 1, 2003

PLANNING CONSIDERATIONS (from Sec. 94-3(4) of the Palatka Municipal Code):

a. Compliance with all applicable elements of the comprehensive plan.

This use complies with all applicable elements of the plan for the Commercial Future Land Use map designation.

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.

A site plan does not show a drop-off and pick up area that limits or eliminates conflicts with vehicular traffic. A drop-off area should be designated that eliminates conflicts between vehicles and children.

The parking area should be delineated as shown on the site plan, or arrangements should be made using adjacent parcels to meet the parking requirements.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection [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.

A handicapped-accessible space should be developed and marked as required – this will need to be installed as required by the City's Code and the Florida Accessibility Code. There are no economic, noise, glare or odor effects associated with this use, provided that the recommended wooden privacy fence (or landscaped buffer) surrounding any playground area is installed and maintained according to the Code requirements.

Parking spaces sufficient to meet the Code requirement of one space for each two employees (for schools, from Sec. 94-262(a)(19)), including a loading space and designated handicapped-accessible space, will need to be installed on the parcel, or arrangements made to meet this requirement on an adjacent parcel as is required by the Code.

Any on-site lighting shall be shielded and aimed downward so as to reduce glare on adjacent parcels.

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

A refuse and service area will be required to be provided and buffered by a six (6) to eight (8) foot high fence or solid wall, unless otherwise specified and approved by the Building Official and Planning Director. This buffer will not be required to completely enclose the refuse and service area, but should serve to reduce the visual and noise impacts resulting from operations in these areas.

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

Utilities are available to the site and are compatible with the needs of the proposed conditional use.

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

Screening or buffering of any play area is requested, although not required. The installation of a wooden privacy fence, six-feet in height, while not specifically required, will satisfy this requirement.

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.

No sign is shown on the applicant's site plan sketch. A sign permit will be required for the installation of any signage. The Building Official and Planning Director will review the sign permit plans at the time of permit application submittal for compatibility with surrounding properties and compliance with the Municipal Code and applicable building codes.

h. Required yards and other open space.

The plan sketch that was submitted does show open space and setbacks. Any solid privacy fencing installed must terminate at the front building line – only an open-style fence, no higher than four feet, is permitted beyond the front building line.

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

This proposed Conditional Use is generally compatible with adjacent properties and other properties in the district.

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

There are no special requirements for this use, beyond the State licensing requirements.

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

This parcel is located in a Historic District, but has not been reviewed by the Historic Preservation Board because this use does not impact aesthetic concerns in this area.

CONDITIONS AND SAFEGUARDS (from Sec. 94-3(5) of the Palatka Municipal Code:

- 1. Any conditional use shall expire six months from the date of approval unless, upon request, an extension of time is granted by the planning board, if by that date the use for which the conditional use was granted has not been commenced.**
- 2. Any conditional use shall expire 12 months following the discontinuance of the use for which the conditional use was granted if the use has not been recommenced.**
- 3. Natural (landscape) or man-made buffers are requested to be installed and maintained according to Code requirements. A six-foot-high solid wooden privacy fence (or landscaped buffer) surrounding any playground area will satisfy this requirement, provided that the solid fence does not extend further towards Madison Street or North 2nd Street than the parallel front building lines. This will be verified as part of the building inspection process. No Occupational License will be issued until this requirement is met. The maintenance of buffer areas is a condition to the continuation of this grant of Conditional Use.**
- 4. Parking will be reviewed by the Chief Building Official and Planning Director for adequacy and will include at least one space for every two (2) employees, along with a designated loading space and a handicapped-accessible parking space. If off-site parking is provided, a written agreement between the affected owners and the City will be required to fulfill the Code requirements.**

5. The refuse and service area will be required to be buffered by a six (6) to eight (8) foot high fence or solid wall, unless otherwise specified and approved by the Building Official and Planning Director. This buffer will not be required to completely enclose the refuse and service area, but should serve to reduce the visual and noise impacts resulting from operations in these areas.
6. Handicapped-accessible and loading parking spaces will be installed as required by the City's Municipal Code and the Florida Accessibility Code. If a loading space is not designated, a loop driveway will serve as the designated loading area, provided that appropriate signage or pavement markings are provided to indicate the direction of traffic (from East to West) to minimize conflicts between automobiles and pedestrians. No Occupational License will be issued until this requirement is satisfied.
7. A sign permit will be required for the installation of any signage. The Building Official and Planning Director will review the sign permit plans at the time of permit application submittal for compatibility with surrounding properties and compliance with the Municipal Code and applicable building codes.
8. Any on-site lighting shall be shielded and aimed downward so as to reduce glare on adjacent parcels.
9. Any play areas should remain locked at all times to prevent children from venturing into traffic.

STAFF RECOMMENDATION: Staff recommends approval of the request for a Conditional Use for a school, subject to the conditions and safeguards listed previously.

APPEALS: Action taken by the planning board to approve a conditional use with appropriate conditions or safeguards or to deny a conditional use shall be deemed final unless a request is filed with the city clerk within 30 days from the date of such planning board decision requesting the city commission to review such decision. Any person aggrieved by an action of the city commission affirming, modifying or reversing such planning board decision may seek recourse to the courts as provided by the laws of the state.

Any person wishing to appeal any decision made by the Planning Board with respect to any matter considered at such meeting will need a record of the proceedings, and for such purpose the City Commission will require a verbatim transcript be made at the expense of the appellant, that includes the testimony and evidence upon which the appeal is to be based.

EXHIBITS:

- A** -- Application
- B** -- Plan sketch
- C** -- Photograph of parcel
- D** -- Notification map and owners list

Request to Amend Zoning Code

(Remove requirement that conditional uses in R-3 zoning be located on major thoroughfare or highway, revise list of R-3 conditional uses)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to remove the standard that requires all conditional uses in the R-3 zoning district be located on a major thoroughfare and to revise the list of R-3 conditional uses. Public notice included legal advertisement.

APPLICATION BACKGROUND

Zoning Code Section 94-145 addresses the R-3 (multiple family residential) zoning district. This zoning allows the following uses by conditional use permit: townhouses, home occupations, churches, professional and business offices, public offices, medical and dental clinics, hospitals, nursing and convalescent homes, clubs, lodges and fraternal organizations, cemeteries, and retail sale of groceries. Staff has previously determined that allowing several of these uses is at odds with Comprehensive Plan Future Land Use Element text noting that “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.” Since the Comprehensive Plan takes precedence over zoning, Staff recommends amending the Code to be in keeping with the Plan, eliminating the following uses from R-3 conditional uses: hospitals; clubs, lodges, and fraternal organizations; and retail sale of groceries. The hours of operation and typical intensity of such uses, as manifested by traffic, noise, lighting, etc. make these uses incompatible with residential uses, and a neighborhood commercial or other commercial zoning category is more suitable for such uses. The remaining uses can be reviewed on a case-by-case basis through the conditional use process to ensure compliance with the Comprehensive Plan residential compatibility directive as well as conditional use criteria.

This section also requires that all conditional uses in this zoning be located on a major thoroughfare or highway. The phrase “major thoroughfare or highway” is not defined in the Zoning Code, which presents a problem for enforcing this provision. Inclusion of this standard is also puzzling as no other zoning districts require this. The standard effectively blocks low-key uses like neighborhood churches, home occupations, and townhomes from conditional use consideration unless they are located on main roads. Staff believes that the location of a use on a major thoroughfare, as well as other traffic-related issues, already must be considered through the compatibility, traffic, and public safety-related conditional use criteria – therefore this standard is not needed.

Remove requirement that conditional uses in R-3 zoning be located on major thoroughfare or highway, revise list of conditional uses

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 remove incompatible uses of hospitals, retail, and clubs/lodges uses from R-3 zoning conditional uses.
- The amendment would allow greater discretion to the Planning Board for consideration of other potentially allowable conditional uses that are not on “major thoroughfares and highways” and are thus prohibited, including neighborhood churches, home occupations, townhomes, etc.
- 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 or Community Redevelopment Area Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of both plans. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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