CITY OF PALATKA
PLANNING BOARD AGENDA
February 4, 2014

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the January 7, 2014 meeting.

4. Appeal procedures and ex-parte communication.

5. **OTHER BUSINESS - None**

6. **OLD BUSINESS:**

   Case 13-46: Administrative request to amend Municipal Code Sec. 94-161 and 94-162 to establish an overlay zoning district to provide for design standards and use restrictions in Downtown zoning districts.

7. **NEW BUSINESS:**

   Case 14-01: Administrative request to amend Municipal Code to add Sec. 94-203 Supplementary District Regulations; building exterior standards for new construction along major thoroughfares.

8. **ADJOURNMENT**

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

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

CITY OF PALATKA
PLANNING BOARD MINUTES
January 7, 2014

The meeting was called to order by member Joe Pickens at 4:05 pm. **Other members present:** Earl Wallace, Anthony Harwell, Lavinia Moody, Charles Douglas, Jr. and George DeLoach (who took his seat after roll was called). **Members absent:** Vice-Chairman Daniel Sheffield and Joseph Petrucci. **Also present**: Planning Director Thad Crowe, Recording Secretary and City Clerk Betsy Driggers, Recording Secretary KeOndra Wright, and City Attorney Donald Holmes.

Motion was made by Mr. Harwell and seconded by Mr. Wallace to approve the minutes for December 3, 2013 meeting. All present voted affirmative, motion carried.

Ms. Driggers read the appeal procedures and called for any ex-parte communications regarding any case.

Lavinia Moody expressed ex-parte communications with John Rowe and Lisa Parsons regarding the First Baptist Church issue.

Mr. Douglas said he spoke with members of First Baptist Church and is privy to confidential information for the First Baptist Church item on the agenda, which will require his recusal from that vote (Form 8B filed).

OTHER BUSINESS

Election of Chairman – **Motion** made by Mr. Wallace and seconded by Ms. Moody to elect Daniel Sheffield as Chairman. All present voted, motion carried unopposed.

Election of Vice-Chairman – **Motion** made by Mr. Wallace and seconded by Ms. Moody to elect Mr. Pickens as Vice-Chairman. All present voted, motion carried unopposed.

OLD BUSINESS:

Case 13-46: Administrative request to amend Municipal Code Sec. 94-161 and 94-162 to establish an overlay zoning district to provide for design standards and use restrictions in downtown zoning districts. Mr. Crowe presented a Powerpoint presentation (filed). He advised that the proposed Overlay has been revised with input received along the way and from the workshop that was held last month. He went over the boundaries of the geographical components of the Overlay, the retail core (properties fronting on St. Johns Ave.) and the periphery (the area between St. Johns Ave. and Main St, the railroad and the river). A main purpose of the Overlay is to support the Main Street program's efforts to encourage pedestrian-orienteduses, emphasizing restaurant, retail and personal service uses in the downtown core area. A second rationale was to ensure that development and redevelopment was compatible with historic downtown character, pointing out the concentration of historic buildings in the downtown area. An added justification was the increased certainty for property owners that incompatible development would not occur, and the property value enhancement that accompanied that. He added that the Overlay intent is to provide more specific standards for the retail core (those properties fronting St. Johns Ave. from the riverfront to 11th St.) and a minimal base level of regulation to the periphery area (all other parcels within the Downtown Business, Downtown Riverfront, and C-2 zoning districts going up to Main St.). The Overlay would not allow institutional and other lower-activity uses in the

retail core, with the exception being the Courthouse area between N. 4th and 6th Streets on the north side of St. Johns Ave.

Mr. Crowe said that the principal evaluation criteria for the Overlay amendment focused on implementing the intent of the downtown zoning districts, namely providing a "pedestrian oriented, retail/entertainment" environment that "discourages uses that are likely to create friction with pedestrian movement." Research and studies have concluded that the lack of foot traffic and regular activity that stems from institutional and government uses hampers street life and downtown businesses. He noted that even going back to 1962, when the downtown was thriving, the City's Comprehensive Plan made a clear case for working toward the gradual elimination of existing establishments of a public or semi-public nature from the area reserved for primary retail use. In those days the main intent behind this effort was to free up parking for downtown retail stores. Things haven't changed in the last 50 years and he believes it is important to get back to the basics. He went over the list of proposed prohibited uses for the retail core and showed some pictures that illustrated the need for downtown design standards for exterior alteration and new construction. He emphasized that the Overlay would be geared toward expedited staff review and clear-cut standards that are common-sense and flexible. Appeals of the standards would go to the Planning Board. He presented a list of comparable Florida jurisdictions that had similar downtown design standards. He presented the types of exterior alterations and new construction activities that would be covered by the standards. He concluded the presentation and noted that Staff recommends approval of the Downtown Overlay zoning.

Vice-Chairman Pickens asked the board members if there were any questions for Mr. Crowe. Mr. Douglas asked for clarity as to the signage provisions on pages 8 & 9 of the staff report; Mr. Crowe provided an explanation of sign dimension standards and the reasoning behind the provisions. Mr. Douglas asked if there was a way to request a variance from the sign requirement. Mr. Crowe said variances to such dimensional standards would go to the Zoning Board of Appeals, and variances from non-dimensional interpretations would go to the Planning Board. Mr. Harwell asked if there is a maximum floor area ratio; Mr. Crowe answered that there is only a building height limit. Mr. Harwell asked why the government buildings on the north side of St. Johns Ave. are exempt; Mr. Crowe said the courthouse and buildings around it have been there historically so it was a reasonable accommodation to "carve" that area out of the retail core. In response to a question, Mr. Crowe replied that there are no design standards that protect the courthouse currently. Vice-Chairman Pickens asked how the Overlay would affect the conditional use request for First Baptist Church (Case No. 13-53) which will be heard after this matter. Mr. Crowe said the conditional use is a final action while the Overlay will go on to the City Commission for final action. Therefore the conditional use, if granted, would be in place and not affected by any future Overlay. Mr. Holmes agreed, noting that if a conditional use is granted it will run with the land not be subject to the Overlay that would not yet be final. He believes this scenario has been conveyed to First Baptist Church representatives by the City.

Vice-Chairman Pickens opened the floor for public comment and asked speakers to limit their remarks to three minutes. He noted that this Board is made up of appointed volunteers who are here to make a zoning decision and not political, business, or religious decisions.

The Reverend Kirby Kennedy, 106 Lisa Lane, Palatka and Pastor of First Baptist Church, Palatka said he represents the Putnam County Ministerial Association and that they have met with Mr. Crowe and Mr. Rudd who gave them a presentation on this item. He stated that the Association understands and shares the City's concerns about rebuilding a retail corridor. He read a letter from the Association into the record providing their

recommendation to amend the proposed code amendment to change the word "prohibit" to "discourage." Prohibiting churches is too definitive.

Mr. Holmes asked Mr. Kennedy if the Association had any specific recommendations on how the City could discourage churches. Mr. Kennedy said they could meet with Mr. Crowe to discuss suggested language. Vice-Chairman Pickens said the language the Association proposes is very vague. Mr. Holmes stated the only way this can be done effectively to insert specific criteria that a church would have to meet to be allowed or that a church could not exceed... something along that nature, depending upon whether allowed or prohibited. A policy statement that churches are discouraged would be ineffective in his opinion, there would need to be a specific body of criteria. Mr. Kennedy said the members of the association understand and would be glad to help develop those criteria, possibly using the term "restricted" rather than "prohibited" or "discouraged."

Robert Taylor, 241 Crystal Cove Drive, Palatka, commended Mr. Crowe for updating the overlay uses, noting that this is a difficult ordinance to write. He objects to the provision that only flat roofs will be allowed, adding that historic buildings in the overlay area have other roof styles including pitched roofs, Spanish styled roofs, and mansard roofs. He stated the following comments and concerns:
* the provision to require streetwalls within two years is not good;
* it is not good to restrict new buildings materials to brick and stone, this leaves out precast, terracotta, wood and other viable materials;
* he is concerned that only one individual is to interpret what is "historic;"
* government buildings have been exempted and are not permitted as a conditional use, but there is a provision to allow existing buildings as a conditional use.
He suggested that Churches be considered on a case-by-case basis as a conditional use. He said that he was thankful that some of the prescriptive criteria have been eliminated from the ordinance, as it makes it easier for the designer when they know what is desired as an end result, and he thanked Mr. Crowe for those changes. He stated that he believes that storefront layout in a symmetrical design is not always a good thing and added that sometimes historical buildings are balanced but not necessarily symmetrical and said also that the signage provision needs some refinement. He said that he believes that the ordinance is moving in the right direction and would be happy to consult with Mr. Crowe on some architectural terminology.

Neal Chancey, 2615 Lane Street, Palatka, said that rules for allowing churches should be inserted.
Reverend Don Hanna, 2020 Country Club Terrace, Palatka, said if the City won't change the language from prohibiting to discouraging, he'd like to drop the language prohibiting churches altogether as churches are already discouraged due to current restrictions that restrict churches within 300 feet of alcohol serving establishments. Mr. Crowe said in this case a church must seek conditional use approval from the Planning Board. Rev. Hanna added that he understands the goals of establishing a retail core, as he sits on the Main Street Board but he believes that churches should fall under the conditional use provision instead of being prohibited. Vice-Chairman Pickens said the Board could change the ordinance to require churches to apply for a conditional use across the board and not leave it to chance that the church falls within 300 feet of an alcohol establishment. Rev. Hannah said that would satisfy his concerns.

Mr. Holmes cautioned the Board that the conditional use approach could raise false hopes that churches were allowed. Conditional use status is something the Board must consider based upon the defined criteria already within the Code. The Board utilized the same criteria with the River Community Church and concluded that the church was not compatible with vicinity retail uses. If that premise is valid, then the criteria won't be met anywhere in that corridor. Unless the City were to change the criteria for conditional uses to make a new set of

criteria for churches, you'd either have to have a case-by-case consideration of whether or not a particular church was compatible with retail, or you'd have a blanket opposition for the use. Mr. Hanna said prohibiting churches seems wrong. They are no more likely to get an approval of churches under current conditions, but this will affect downtown long into the future. Prohibiting churches may not stand up. He'd just like them to drop the word "prohibited." Mr. Holmes said Staff felt it was more in keeping with the goal of establishing a downtown retail corridor to be upfront in setting forth uses that would be allowed or disallowed rather than engaging in the exercise of conditional use for certain uses if they are going to boil down to that compatibility criteria anyway. They are only talking about 10 or 11 blocks. That downtown corridor prohibition was not just aimed at churches, but at a lot of other uses, with the goal being to establish that retail corridor. It is more honest and more straightforward to just say churches or any other use that is not retail in nature are prohibited from this one 10 or 11 block area on St. Johns Avenue. It excludes all non-retail uses in a consistent fashion.

Ms. Moody asked Rev. Hanna how he interprets the word "prohibition." She asked if churches were prohibited on the periphery if he would feel as strongly about this. He replied that he would feel even more strongly about it, when you limit these in a retail corridor it sets a precedent for another administration to ban all churches from downtown Palatka, even with an existing church expansion. It creates angst regarding precedents. It's the perception he's concerned about; he doesn't like the idea of prohibiting churches. He hates to see this added on top of what they've already done. She asked him if he feels any less important as to having influence in the community should churches be prohibited from this corridor of St. Johns Avenue; he said he does not. He understands the Main Street approach and he understands the Planner is supporting that approach through this ordinance. Prohibiting churches in this area will give them a black eye as people won't understand the parameters. He'd prefer churches having to meet certain conditions rather than prohibiting them. Mrs. Moody asked if he believes he is influential enough in the community to help overcome the perception, and if he would be willing to work at this. He replied that he doesn't know and is not sure.

Mr. Holmes said, for what it's worth regarding precedent, a widespread prohibition of churches won't withstand a federal court's constitutional scrutiny. He's never heard City staff say they wanted to prohibit churches in the community. Churches are not being singled out, if they are singled out it won't withstand federal scrutiny; however, if a City chooses a relatively small portion of its boundary to exclude certain uses, there is case law supporting the prohibition of certain uses, including churches. A broadening of that concept would not withstand any type of federal scrutiny at all. Vice-Chairman Pickens said it also strikes him as being more disingenuous by suggesting to the world that churches are allowed by conditional use, when the fact is they aren't. It's misleading to a sincere applicant who reads the Code and believes they have a legitimate ability to place a church in this corridor, when the fact is it will never be permitted in this corridor due to compatibility problems. The Board would not want to just appease the Ministerial Association by doing this; it may resolve this issue, but it will create an disadvantage to anyone who applies for a conditional use in the future. Rev. Hanna said if the thinking changes in the future and they realize churches can be a significant partner in the downtown corridor, the regulations prohibit any flexibility to allow churches. He suggested a variance process that would reverse the prohibition if the thinking changes. The Ministerial Association was willing to go with the word "discouraged" rather than "prohibited" for that reason. Vice-Chairman Pickens asked if it is his suggestion that, even if it is unlikely that a church would ever be approved, it is his hope that one could be approved in the future. Rev. Hanna said that is his rationale.

At the request of Mr. Douglas, the slide showing the geographic map was again shown. Mr. Douglas asked if the Overlay goes north of Hwy 17. Mr. Crowe and Mr. Holmes said this prohibition only applies along St.

Johns Avenue in the retail core; this prohibition does not apply north of US 17. There are no use prohibitions in the larger area of the periphery - only the design standards will apply in the periphery.

The Reverend Karl Flagg, 1700 Oak Street, Sr. Pastor, Mt. Tabor First Baptist Church, District 3 Putnam County Commissioner, said everyone is extremely concerned with the economic conditions of the community. They do not want to be appeased. They don't need private, personal interpretations and moving targets on this revision. They need to be sure they understand that "one size does not fit all." These people have well established religious and governmental institutions in the Downtown. Professional uses are office uses which surround the government offices; government offices will require conditional use approval to locate within the overlay area. The City is making a distinction as to the ownership of a building, not the purpose of the building. Government offices are the major use in the downtown area at this time. The County owns four buildings on the south side of St. Johns valued at $2.47 million. There is also a substantial public investment in the area surrounding these buildings, which should be protected. The property owners and taxpayers are asking to be assured there is protection for existing uses. He suggested that the choice of words is very important. The City and County are not at odds, it seems that the religious institutions and retail establishments are at odds, but in reality they are the same people. Whether they are speaking of government or churches, they are looking for a balance that will cause Palatka to move past anemic. Downtown Palatka cannot be compared with other communities where this approach has worked. This city has had churches in downtown for over 140 years and government buildings for over 100 years. Vice-Chairman Pickens asked if he had specific recommendations for modifications to this ordinance. Rev. Flagg said before the Board recommends approval of the language, such language should be something that doesn't set the Church plans back. It's important that the City does not offend those who have caused downtown to be as vibrant as it is; they need to marry retail with religious establishments. Churches are also bringing pedestrian traffic downtown. Vice-Chairman Pickens asked him if he is requesting that this item be approved or tabled; what is he specifically asking this Board to do? Rev. Flagg said they want multiple choices and not the all-or-none rule. They need recommendations with options. Money has to flow back into businesses in order to have a successful downtown. Everyone knows religious institutions and government buildings don't pay taxes; they have pre-existing conditions and that the City should seek a balance. Mr. Wallace said they are not prohibiting churches downtown; they are prohibiting them on St. Johns Avenue. He attends a downtown church. Rev. Flagg said it is offensive to churches to segregate storefronts from churches. He does not want to see churches all along the retail corridor nor a bar on every block. Mr. Wallace said this only applies to St. Johns Avenue frontage. The Board is not voting against God or churches. Rev. Flagg said the City needs to clearly state the intent of these provisions. Downtown has been declining for a long time. Places to worship are important, but they don't need to downplay retail, either. Mr. Wallace said this ordinance specifically states those provisions and the City should not waltz around the issue by saying a church can get a conditional use.

Mrs. Moody said they are here today because the downtown is already out of balance. This ordinance will create balance in order to allow the downtown to prosper and flourish. Rev. Flagg said this is an over-correction, which is just as bad. He suggests the professional planner work with Staff to keep the City moving in the right direction.

Dawn Perry, 2370 Westover Drive, recommended they take the language of prohibiting churches out of the overlay. It made a lot of sense to Mr. Crowe to grandfather in the courthouse area since it's been there for a long time. The churches have been around longer than the courthouse. They should not prohibit God from any street. She has specific recommendations for how to allow a church in the area. Holy Word Revival Center is the storefront church near Dairy Queen. This Planning Board gave them a conditional use even though they are

two doors down from a bar. This Board voted to allow them in because they had made a financial investment in the property, and had been there for over a year and no one even knew it. Mr. Crowe showed a photo of their church and said this is what they don't want in their downtown. They met each requirement the City asked them to meet. She agrees with increased hours and open, not closed, windows. The language in the Code has allowed churches in this area since the Civil War. Churches are an allowable use. The Board has been granted the freedom to define compatibility, and they have decided that churches and retail are not compatible. Specifically she is speaking of not prohibiting churches, and to find ways the city and churches can work together. She stated that there are many churches that make up the community and believes it is wrong to prohibit them from any street.

Vice-Chairman Pickens closed the public comment portion of the meeting.

Motion made by Mrs. Moody and seconded by Mr. Douglas to table this item until the February meeting to allow Staff to look at addressing the word "prohibited." Discussion: Mr. Douglas said he believes there are other issues with the wording used in the ordinance. For example, the exclusion of bait and tackle shops; they rely on the St. Johns River and he's not sure they should be excluded. Making hotels or motels go through the conditional use process will discourage some developers. The language needs further scrutiny. Mrs. Moody said the things he noted can be easily explained. Mr. DeLoach said he also recommends the building materials issue be looked into further. Vice-Chairman Pickens said the Board has been looking at this for some time. They've heard these comments before and he was personally overwhelmed with the specificity and the list of items Mr. Taylor brought up and addressed in this ordinance; he is not looking forward to looking at this ordinance line by line but agreed that there are things that can be worked out with staff and the community that would prevent the Board from having to make a yes or no decision. Mr. Harwell said he agrees with Mr. Taylor's comments regarding the design standards and doesn't know why they are included in the Zoning Code (use standards). Mr. Crowe said Chapter 94 allowable and other uses are accompanied by supplementary regulations which are design standards, so it made sense to look at both at the same time for this area, as that is how they are treated in the Code. There being no further discussion on the motion, a vote was taken and the motion passed unopposed.

Vice-Chairman Pickens noted Edward Stith, who submitted a speaker card for this item, is invited back to speak on this issue next month.

Case 13-53: Request for a conditional use to expand an existing church use in the Downtown Business district.
Location: 511 St. Johns Ave.
Applicant: First Baptist Church of Palatka, Inc.

Mr. Crowe said First Baptist Church proposes expansion of the Church into an area that is within 300 feet of an alcohol serving establishment, which triggers the conditional use process. He narrated a PowerPoint presentation on the request including the proposed site plan, which includes demolition of a stand-alone building on St. Johns Ave. and the construction of a multi-purpose gym facility. Mr. Crowe went through the evaluation criteria and how the site plan meets the criteria. The city is trying to maintain some foothold of retail continuity in this case; the staff recommendations would continue the potential for retail along this block of St. Johns Avenue through the reservation of this mid-block section. Staff recommended approval with conditions as enumerated by Mr. Crowe:

1. Approval of the site plan shall be valid for a period not to exceed ten years after the approval of this application.

2. The Applicant shall reserve a mid-block section along St. Johns Ave., as shown on the site plan, for future retail use. This 60-foot wide by 65-foot deep strip of land will be conveyed to the City upon the City's request following the demolition of the existing building located on the retail strip at no cost fair market value of the land, as determined by a certified appraiser within six months of application approval at the Church's expense, with a provision that if the City (or a private partner working in conjunction with the City) does not develop the property for retail use within a 15-year period after the approval of this application, then the ownership of the property will revert back to the Church.
3. As an alternative to conveyance of the property to the City and should the City choose not to acquire and develop the property at any time during the 15-year period the Applicant may develop the retail strip for a standalone retail, personal service, or restaurant use(s). Such use(s) shall not be accessory uses to the Church but shall constitute separate and distinct uses.
4. The existing building which occupies the land area of the future retail strip shall not be used for church-related activities.
5. The Board shall relegate the responsibility of design review for the proposed building to the Historic Preservation Board.
6. The drive aisle width in the east parking lot shall be reduced to allow for landscaping along the east side of the new building, to provide for a more attractive appearance of the parking area and the building.
7. Plantings shall be provided along the part of the building facing Oak St.

In response to a question by Mr. Harwell, Mr. Crowe advised that the Historic District cuts right through the middle of the block; the south part of the building would fall under the purview of the Historic Preservation Board. For practical reasons Staff has determined that the entire building will fall under the purview of the Historical Preservation Board. He distributed the latest staff recommended conditions of approval which they have negotiated with First Baptist. Staff has not received any objections from anyone on these conditions; they have been working with the Church and its representatives.

Vice-Chairman Pickens noted he has four speaker cards from representatives of the Church. He asked if anyone is here in opposition; there was no response.

Robert Taylor, 241 Crystal Cove Drive, said the site plan provided to the Board is the Phase 2 site plan. The Church has been negotiating with Staff and Mr. Crowe to come up with a compatible solution that will meet the needs of both sides. They've been in negotiation right up until this meeting began. They submitted two different site plans; the first one showed Phase 1 development which showed an adaptive use of the buildings with no significant changes to the building, except for permitted signage to identify the property as First Baptist Church. The 2nd phase proposes placement of the new structure, demolition, parking, ingress and egress, and is the Church's ultimate goal. The only area in question is the 60 x 65' portion along St. Johns Ave. reserved for retail. First Baptist is willing to reserve that parcel of property for the City to allow the City to "use" that area as retail space. They stated the reservation is not a conveyance or sale of the property; that will be a separate negotiation. They would like to move forward with Phase 1 now. They project to be ready to move forward with Phase 2 in about four years, and will enter into negotiations with the City for conveyance of the property at that time. They would like the opportunity during the first phase to use the two-story building and on occasion the one story building prior to that for church purposes. If that is what is being offered, they are agreeable. Mr. Crowe said what is in front of them is their effort to take the "long view" and permit both phases with certain clear conditions that achieve the city's goals, which is to make sure that retail strip is to be preserved for retail use now and in the future, but not make that an appendage of the Church. Mr. Taylor stated that he thought the Church is in agreement with that.

Mr. Holmes said he is concerned about the staff recommendation that the Church has to commit to sell or grant first option of this property to the City. Mr. Crowe said the City will have 15 years in which to request to purchase the property from the Church. The Church can then either say they want to develop the property themselves for retail, or sell it to the City. Mr. Holmes said he has a problem with requiring a private property owner to grant the City an option to purchase the property. He stated that he has no problem with reserving the strip for retail use; he would have no qualms with the legality of that. He commends the Church and staff in their negotiations in trying to come up with a legitimate plan; he does not recall this option to purchase being part of the negotiations. Mr. Crowe said they were directed to work out a way to ensure it would remain a retail use. Mr. Holmes said he's not questioning requiring this to be retail use; it's the ownership requirement he has a problem with. Mr. Crowe said they can limit it to the specific use only and eliminate the language pertaining to who is going to own or develop it. Mr. Holmes said if the City ends up buying it, that's fine, but the City shouldn't require it. Vice-Chairman Pickens agreed and said anything that would purport to give a benefit to the City as a condition of the conditional use permit is not good. Mr. Holmes said the conditions of the conditional use permit should run with the land and that needs to be specifically stated in the motion. It is not a grandfathering and it cannot be taken away from them. Vice-Chairman Pickens said an option could be as simple as adjusting Condition #2 and eliminating the rest of paragraph 2 after the first sentence, and adding Paragraph 8 of the last distributed document. Discussion ensued regarding language; Mr. Holmes said instead of "for retail use" it should read "which shall be designated for retail use." More specifically,"the applicant shall reserve a 60 x 65 foot wide strip of land as shown on the site plan in the mid-block section on St. Johns Avenue for retail use."

Kirby Kennedy said they did not agree to the Phase 1 prohibition of church use in the one-story building. Mr. Crowe said the corner/two-story classroom building is fine for church purposes; but Staff did not want to see the church use of the one-story building from the beginning. If Phase 2 never happens and the Church remains in both buildings, the retail strip is gone if the City chooses not to pursue Phase 2. There is no going back.

Mr. Holmes said the revised condition should state: "the 60 x 65 foot parcel on St. Johns Avenue as shown on the site plan shall be restricted to retail use." Mr. Taylor said the strip is part of the two story building; the separate parcel won't exist until this building is demolished. This is why the church objects to this. They would like to use the one-story building in the interim. Mr. Kirby said the Church won't be able to use this for a preschool and nursery as it won't be practical. Mr. Crowe said they don't want any part of this portion of the building used for church purposes at any time, even temporarily while they are contemplating Phase II. He added that while not recommended the Board could add a temporary use provision noting the one-story building can be used for church uses for a specific period of time. Mr. Holmes said they have done that in the past. Vice-Chairman Pickens said he does not want the Church to make a decision under duress due to time constraints. Mr. Kennedy said they anticipate breaking ground on Phase 2 in 2018. They gave themselves 10 years in order to do that. Mr. Crowe said 10 years is too long; they want to reserve every bit of St. Johns Avenue they can for retail use. Mr. Taylor said four years is optimum, up to 10 years. Mr. Kennedy said they need to let TD Bank know what they are doing by January 27. Marc Spalding, Realtor, said TD Bank will need to make a decision by that date on whether to extend the contract or not.

Mr. Holmes asked for clarification that the major hang-up is the portion of the building along St. Johns Avenue. Mr. Crowe replied they don't have a problem with the two-story classroom corner building they plan to use for day care and pre-K. Staff is concerned with the one-story building. Staff has no problem with them using the buildings outside of the dotted line (denoting the retail strip) shown on the diagram for classroom space for up

to 10 years. This is the compromise. They've been a little rushed on negotiations and this is where communication has broken down. Mr. Holmes asked if it is the City's understanding and stance that the Church has the right to use the two story building for church purposes for 10 years, but not the 60 x 65 foot parcel, which would be a shorter length of time. Mr. Crowe said there is essentially no restriction on time for the "classroom" building. Mr. Holmes said if the City is going to grant the Church a conditional use with no expiration on what they are calling the two-story classroom, he sees no problem with giving them a timed phase-out of the 60 x 65 foot parcel; he sees no reason not to give them a defined period of time. Mr. Taylor said it is their understanding that is from four to ten years. Vice-Chairman Pickens asked if the City and Church are in complete agreement except for the time limit on the 60 x 65 foot parcel reverting to retail use.

As to allowing the church to use the 60 x 65 foot parcel for church use for three years, Mr. Crowe said that from Staff's perspective it is not preferable, but acceptable. Vice-Chairman Pickens said he is uncomfortable with trying to hammer out these details in this meeting. It would be good to know if TD Bank would be willing to extend the contract. Mr. Kennedy said they felt that the City and Church will come to an agreement. Mr. Holmes said he would have concerns for the Board to vote on a contract to agree, it is difficult to do even with good faith efforts. If they still can't come to an agreement on time duration prior to the conditional use being passed, then they have not accomplished what they wanted to accomplished. Mr. Crowe said the City will accept three years with the option to come back before the City to apply for a two-year extension. Mr. Kennedy said they will agree to a four-year guarantee with an option to come back for a two-year extension. Mr. Crowe reluctantly said that is acceptable to Staff. As to the 60 x 65 foot parcel, Vice-Chairman Pickens said the church could develop it for retail, can allow private retail to develop it, or sell it to the City. Mr. Crowe said if the property is sold, whatever is allowable in the current zoning at that time is what would be an allowable use. If a restaurant serving alcohol wanted to locate in the area, they could go through the conditional use process. If the church wants to restrict uses for the parcel, they should state those unacceptable uses now. The conditional use is on the land; another church could come in and purchase the parcel, and be subject to the same restrictions. The request for a conditional use was made by the Church; if the downtown Overlay is passed and the use of the building is ultimately restricted, the City has agreed to the conditional use for the protection of the church. They applied for the conditional use and made application before there was any Overlay. Mr. Taylor said in the current Overlay ordinance, conditional uses are allowed to continue as a permitted use. Mr. Crowe said an approved conditional use is like having zoning approval. If design standards went into place and the building became non-conforming, they can continue with the use of the building, but not expand.

Mr. Holmes suggested the following language take the place of paragraph #2, #3, and #4: "The 60 x 65 foot parcel along St. Johns Avenue as shown on the site plan shall be designated and restricted to retail use with the stipulation that the applicant can continue to use the parcel for non-retail use for a period of four years, with the ability to apply to the Planning Board at the expiration of said four years for a two-year extension." Paragraph 1 stands, Paragraphs 3-5 are eliminated, paragraph #5 stands and is now Paragraph #3. Mr. Taylor asked if they could work on paragraphs 6 and 7. Mr. Crowe recommended that in its place the following language be inserted: "planting strips or potted plants to be provided along east and walls of the building." This becomes Paragraph #4. Mr. Holmes said Paragraph #5 is now "The Conditional Use runs with the land."

Mr. Taylor asked that the letter he asked the Clerk to distribute prior to the meeting (filed) be disregarded, as those issues have now been resolved. Ms. Driggers said this was now part of the public record. Vice-Chairman Pickens said the City and Church have now agreed upon language; this does not mean the Planning Board has agreed upon it.

Vice-Chairman Pickens opened the floor for public comment.

Neal Chancey, 2614 Lane Street, thanked the Board for their negotiations tonight. Negotiations and comprises are important. As representative of the Deacons of First Baptist Church, he said they are in support of this as negotiated. His concern is a technicality on the retail spaces being compatible with what First Baptist Church wants if they are sold; they want compatible business in those if they are sold.

John Rowe said all of his concerns were addressed.

Dawn Perry, 2370 Westover Drive, said she support First Baptist and all churches. A city can work with a church to make something wonderful happen; this illustrates the points she made under the prior item. Her church has the same vision; they planned to rent their building on a temporary basis and there was no similar negotiation or agreement made. She believes it is possible with all churches. She hopes they will not prohibit churches from St. Johns Avenue. She hopes the City will offer to negotiate with her church.

Vice-Chairman Pickens closed the public hearing portion of the meeting.

Mrs. Moody noted that she lives on the corner of 6th & Oak, and asked for some clarity with regards to the second phase development, noting the building will go right up to a buffer area, which is not much of a buffer. Mr. Taylor said there will be a larger buffer than the current parking strip. It will be an improvement on the fence, which is encroaching on TD Bank property. Mrs. Moody said TD Bank put up the fence. Mr. Taylor said they have not yet discussed the fence and landscape issues with Staff. Mrs. Moody said she has concerns on the buffer and noise associated with the planned building, as well as the height of the building. Pastor Kennedy said the planned buffer exceeds the City's requirement. Mr. Harwell asked Mr. Taylor if there has been any other consideration or exploration on the layout of Phase 2. The layout of the current building is poor architecture. Mr. Taylor said before they gave up the retail space they had other, grander plans. They didn't arbitrarily consider expanding the building; they changed the footprint and interior to work out the best design. Mr. Harwell said it seems odd to him to butt a new building up against a poorly constructed, laid out existing building.

Motion made by Mr. DeLoach and seconded by Ms. Moody to approve the Conditional Use for First Baptist Church Expansion at 511 St. Johns Avenue subject to conditions stated in the staff report to include the amendments by Mr. Holmes (shown below). A vote resulted in four in favor, one opposed (by Mr. Harwell), with one recusal (by Mr. Douglas, who filed Form 8B with the Clerk) motion carried.

1. Approval of the site plan shall be valid for a period not to exceed ten years after the approval of this application.
2. The 60 x 65 foot strip of land along St. Johns Avenue as shown on the site plan shall be designated and restricted to retail use with the stipulation that the applicant can continue to use the parcel for non-retail use for a period of four years, with the ability to apply to the Planning Board at the expiration of said four years for a two-year extension.
3. The Board shall relegate the responsibility of design review for the proposed building to the Historic Preservation Board.
4. Planting strips or potted plants shall be provided along the south and east walls of the building.
5. The Conditional Use runs with the land.

With consensus of the Board, Vice-Chairman Pickens called a recess at 6:40 p.m.

Vice-Chairman Pickens reconvened the January 7, 2014 meeting of the Palatka Planning Board at 6:45 p.m.

Old Business:

Case 13-50: Administrative request to amend Municipal Code Sec. 94-295 Landscaping and Tree Protection (General landscape requirements) to provide standards for fencing; and amend Buffering and Screening Code Section 94-303 regarding landscape buffers applicable to conditional uses.

Mr. Crowe explained at the direction of the City Commission there will still be a public workshop on these ordinances in the spring. He added that another look at these codes revealed that there is a need for additional standards regarding an important component of landscaping, which is fencing. Also Staff has some concerns about the lack of applicable conditional use buffers, there are a lot of conditional uses and the intent was to incrementally bring properties associated with conditional uses up to the landscape code as new businesses come in, a slow process but the intent was to also have them work on the parking lot landscape and roadway buffers which might be one street tree, one parking lot tree at a time. The proposed amendment speaks to the fence changes and buffering, with the intent to improve the appearance of and beautify the commercial corridors, as directed by the Comprehensive Plan.

Ms. Moody asked how existing fences would be considered. Mr. Crowe advised that these are what are known as nonconforming characteristics of use, which can go on indefinitely.

Mr. Harwell asked if there was some provision for the owner to apply for a variance for any of these standards. Mr. Crowe advised that staff would make the interpretation, and an owner could then either apply for a code change or appeal staff decision to the Zoning Board of Appeals or the Planning Board. There are provisions for maintenance of existing fences that require that fences be maintained in an orderly fashion.

Motion made by George Deloach and seconded by Anthony Harwell to approve staff's recommendations for case 13-50 as presented. All present voted affirmative, motion carried.

ADJOURNMENT – There being no further business to discuss, the meeting was adjourned at 6:55 p.m. upon a motion by Mr. DeLoach, seconded by Mr. Harwell. All present voted affirmative, motion carried.

Case 13-46
Request to Amend Zoning Code
(Downtown Overlay Zoning)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: January 28, 2014

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend Zoning Code Section 94-149, 94-161, and 94-162, applying overlay zoning standards to the Downtown zoning districts and adjacent areas within the C-2 zoning district. The Board considered this item at their November meeting, held a public workshop on the item at their December meeting, and considered the item again at their January meeting. At the last meeting the Board requested that staff review comments made by Architect Robert Taylor pertaining to the design standards and re-visit some of the use prohibitions.

APPLICATION BACKGROUND

Like other Florida downtowns, downtown Palatka has a unique character as a result of its traditional architecture and historic development pattern. There are currently no design or development standards in place that protect downtown from incompatible development other than the following language in the development standards section of the Downtown Business and Downtown Riverfront zoning districts: "architectural and aesthetic appearance shall be maintained and compatible with the unique historic character downtown." Staff believes that more specific standards are needed to implement this directive. Staff has developed a set of draft design guidelines over the last year, working with Palatka Main Street and Downtown Palatka, Inc. to keep these groups informed and obtain their input. The draft overlay zone standards are attached with this staff report.

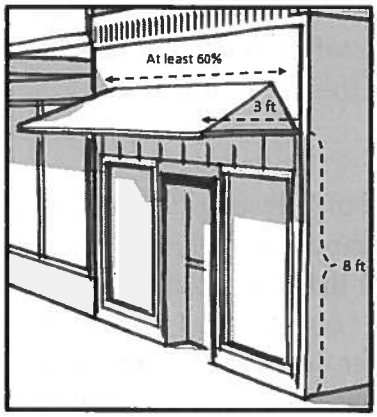
In brief, the overlay standards identify two downtown areas: the retail core and periphery. The retail core consists of properties fronting on St. Johns Ave. between the Riverfront Park and 11th St. and the periphery includes the remainder of the areas zoned DB (Downtown Business) and DR (Downtown Riverfront), generally the areas between Reid St. and St. Johns Ave. and between St. Johns Ave. and Laurel St., as well as areas zoned C-2 south of Main Street and along Reid St between the riverfront and N. 11th St. The South Historic District is excluded from the overlay zoning district.

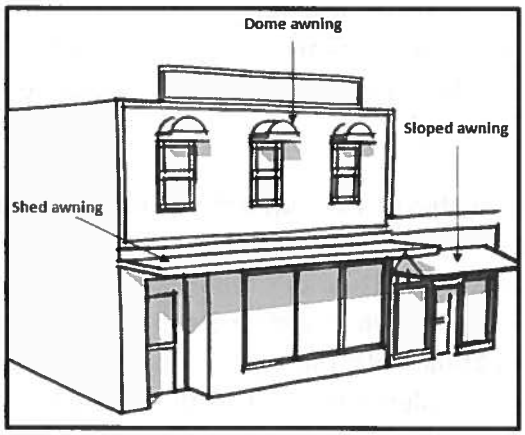
The standards provide a customized list of uses for the retail core that include retail, service, and professional office uses. In the retail core the following uses have been removed from the list of DB and DR zoning district allowable uses: ~~bait and tackle shops,~~ convenience stores (no gas pumps), grocery stores~~, marine hardware and supplies shops,~~ package liquor stores (no drive through facilities), government uses, and houses of worship and accessory facilities. Staff has reversed the recommendation to prohibit bait and tackle shops and marine hardware and supplies stores, as these are retail uses that are germane to boaters who access the nearby city dock and marina. However Staff stands by the other use prohibitions, including houses or worship and government uses. While these uses are very important to the community fabric, and unlike most other uses they are allowed in the vast majority of city zoning districts, they do not support the stated Main Street and Zoning Code goals of promoting downtown uses that generate daily pedestrian activity. It would raise false hopes and uncertainty to not clearly state this.

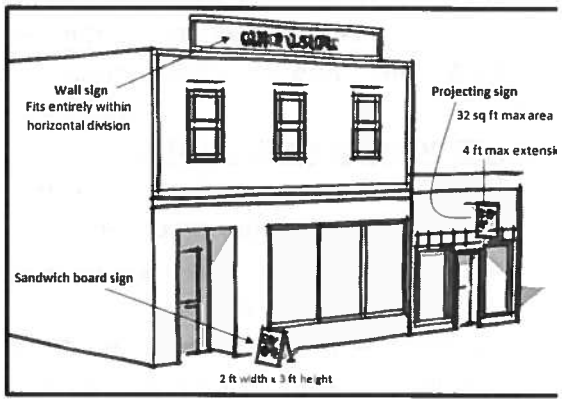
The overlay standards include design standards for exterior alterations and new construction – interior construction is not regulated by these zoning standards, but is still subject to building, fire and other applicable codes.

Exterior design standards cover awnings, balconies, exterior materials, lighting, landscaping, roofs, storefronts, signs, windows, street walls, and fencing, limited building paint color regulation,. These standards guide redevelopment and development toward compatibility toward the historic appearance of pre-WWII buildings.

New construction would meet color, exterior building material, and street tree standards and would also be subject to other regulations, including the prohibition of new driveways and parking lots on St. Johns Ave., recognizable building entrances, design protocols for parking garages, and compatibility standards pertaining to building massing/height/proportion/lot placement.







Figures 1, 2, & 3: exterior design standards illustrations

The standards would be administered by the Building and Zoning Department, with an avenue for appeal of staff decisions to the Planning Board.

Following the direction of the Board, staff met with Architect Robert Taylor and Architect and Board member Anthony Harwell. The following revisions were made based on this input.

- Page 7: insertion of language clarifying that in general exterior alterations in retail core shall be in keeping with materials and appearance of historic period (1880s to 1940s).
- Page 8: addition of the following acceptable exterior materials: cast stone, terra cotta, granite, and marble; and the prohibition of faux finishes.
- Page 8: replacement of "hardiplank" with "cementitious fiberboard" as the former term is a product name and not a generic term.
- Page 8: elimination of the term "baked" as a modifier of enamel.
- Page 8: elimination of the requirement that roofs be flat, insertion of language that calls for rectangular presentations of buildings including rooflines, and requiring parapets when screening of rooftop equipment is needed.

- Page 10: allowance of decorative metal fencing with brick columns as an alternative streetwall type, and extension of required compliance from two to five years.
- Page 11: clarification that excess driveways (exceeding 24-feet in width) in retail core and periphery shall be removed for new construction.
- Page 11: repetition of roof language above for new construction.

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: Palatka's downtown is a unique, historic area with tremendous potential for redevelopment. One benefit of decades of slow economic growth is the extent of historic resources in the downtown. Many historic commercial and residential buildings remain along St. Johns Ave., particularly in the 200-400 and 600-800 blocks. Outliers in the downtown periphery along a number of streets (Main St., Oak St., and Reid St.) add to the downtown's historic fabric. There are also numerous vacant lots in the downtown area, providing considerable redevelopment potential for the area. A successful downtown is dependent on ensuring that there is a critical mass of retail and restaurant uses with minimal interruption by low pedestrian-generating and incompatible uses. As noted below, numerous policies of the Comprehensive Plan support this application.

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 Objectives and Policies support the overlay standard amendment.

- Objective A.1.2 calls for the City to implement the policies to provide for redevelopment and renewal of blighted properties.
- Objective A.1.4 of the City's Comprehensive Plan Future Land Use Element notes that the City shall ensure the protection of natural resources and historic resources;
- Objective A.1.5 of the City's Comprehensive Plan Future Land Use Element notes that the City shall increase public awareness of the historic significance of the City and provide incentives to maintain and restore historically significant areas and structures within the City limits;
- Policy A.1.5.1 of the City's Comprehensive Plan Future Land Use Element notes that historic resources shall be protected through designation as historic sites by the State or City;
- Policy A.1.5.1 of the City's Comprehensive Plan Future Land Use Element notes adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources;
- Policy A.1.6.1 requires that the City 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 minimizes 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 calls for the City to 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.
- Section 54-71 of the Municipal Code notes that the structures within the city provide visual evidence of the city's significant role in the economic, political and architectural development of northeast Florida, wherein the city for a substantial period in the 19th and 20th centuries occupied a prominent place in a regional tourist and industrial economy;
- Section 54-71 of the Municipal Code notes that it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historic, cultural and aesthetic merit are in the interest of the health, morals, prosperity and general welfare of the people of the city;
- Section 54-71 of the Municipal Code notes that the City shall effect and accomplish the protection, enhancement and perpetuation of districts, structures and sites which represent distinctive elements of the city's cultural, social, economic, political and architectural history; and

STAFF RECOMMENDATION

Staff recommends approval of Case 13-46 adopting the attached overlay zoning standards for the downtown area.

PALATKA DOWNTOWN OVERLAY ZONING (DRAFT)

January, 2014

PALATKA DOWNTOWN OVERLAY ZONING (DRAFT)

PALATKA DOWNTOWN OVERLAY ZONING (DRAFT)

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PALATKA DOWNTOWN OVERLAY ZONING (DRAFT)

1. **INTENT**. The downtown overlay zoning is intended to recognize the unique and historic function and appearance of the downtown retail business district and the surrounding area. The Overlay provides regulations to help ensure that new infill buildings and the renovation of existing buildings will blend with the fabric of the physical environment of Downtown Palatka, its existing buildings and the overall streetscape and not present a jarring contrast with existing community character and architecture. The Overlay also encourages uses that contribute to a vibrant and active shopping and business area.

2. **DOWNTOWN ZONES**. The downtown area consists of two specific areas: the retail core and periphery.
   A. **Retail Core**: this area includes properties fronting on St. Johns Ave. between the Riverfront Park and N./S. 11th St., excluding properties fronting on the north side of St. Johns Ave. between N. 4th St. and N. 6th St. (these properties are included within the Periphery).
   B. **Periphery**: this area includes all areas zoned DB (Downtown Business) and DR (Downtown Riverfront), excluding the Retail Core and South Historic District, and also includes areas within the C-2 zoning district south of Main Street between the riverfront and N. 11th St.

3. **ALLOWABLE USES.**
Listed allowable and other uses outlined this section will replace those found in the DB (Downtown Business) and DR (Downtown Riverfront) zoning districts. All other provisions of the DB and DR zoning are still applicable. Allowable uses and other standards within the Periphery zone are subject to the underlying zoning district.

A. Retail Core Allowable Uses. The retail core, identified as all properties fronting on St. Johns Ave. between the Riverfront Park and 11th St. are subject to the following use, activity, and structure regulations, as well as development and design standards set forth in Sec. 94-202. (Revised text indicates departures from the DB and DR zoning use regulations.)

1. General retail establishments which include:
   a. Antiques and collectibles.
   b. Appliances.
   c. Arcades.
   d. Art.
   e. Arts and crafts.
   f. Auction houses.
   g. Bakeries (retail).
   h. ~~Bait and tackle shops.~~Bait and tackle shops.
   ~~i.~~
   ~~j.~~i. Bicycle shops.
   ~~k.~~j. Billiard parlors and indoor recreation and amusement facilities.
   ~~l.~~k. Books and periodicals.
   ~~m.~~l. Cameras (including incidental repair) and photographic supplies.
   ~~n.~~m. Candy and confectionary shops.
   ~~o. Convenience stores without gas pumps.~~
   ~~p.~~n. Delicatessens.
   ~~q.~~o. Department and discount stores.
   ~~r.~~p. Electronics and appliances (including incidental repairs).
   ~~s.~~q. Farmer's markets, as defined and regulated by section 94-201 of the Zoning Code.

~~t.~~r. Flowers and gifts.
~~u.~~s. Fish and seafood shops (retail).
~~v.~~t. Furniture stores.
~~w.~~u. Gifts.
~~x.~~v. Gourmet shops.
~~y.~~w. ~~Grocery stores.~~Grocery stores under 30,000 SF in size.
~~z.~~
~~aa.~~x. Hardware stores.
~~bb.~~y. Health food shops.
~~cc.~~z. Hobby shops.
~~dd.~~aa. Jewelers (including incidental repair).
~~ee.~~bb. Leather goods and luggage.
~~ff.~~cc. ~~Marine hardware and supplies shops.~~Marine hardware and supplies shops.
~~gg.~~
~~hh.~~dd. Mobile food vendors and push carts.
~~ii.~~ee. Musical instruments and supplies.
~~jj.~~ff. Office equipment and furniture and supplies.
~~kk.~~gg. Pet stores.
~~ll.~~hh. Pharmaceuticals.
~~mm.~~ii. Plant shops.
~~nn.~~jj. Specialty foods.
~~oo.~~kk. Sporting goods.
~~pp.~~ll. Sundries and notions.
~~qq.~~mm. Wearing apparel.
~~rr.~~nn. Any retail establishment which incorporates any of the above.

(2) General service establishments shall include:

a. Aquariums.
b. Barbershops and beauty shops.
c. Bars, nightclubs, or taverns (See chapter 10).
d. Coffee shops.
e. Copy, mailbox, or shipping shops.
f. Dance studios.
g. Fitness centers.
h. Fraternal organizations.
i. Health spas.
j. Interior designer studios.
k. Job printing.
l. Martial arts or comparable physical activities studios.
m. Museums and galleries.
~~n. Package liquor stores without drive-through facilities (See chapter 10).~~
o. Photographic studios.
p. Restaurants without drive-through facilities.
q. Shoe repair shops.
r. Tailor shops.

s. Travel agencies.
t. Trophy and awards sales and assembly.
u. Upholstery and reupholstery shops.

(3) Professional establishments shall include:
a. Architectural and related services.
b. Attorney offices.
c. Business offices.
d. Dental offices.
e. Financial offices without drive-through facilities.
f. General professional services.
g. Investment offices.
h. Medical offices.
i. Real estate offices and related services.
j. Surveyors offices.

~~(4) Houses of worship and accessory facilities.~~

(5) Residential uses, subject to development standards set forth in this section.

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

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

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

(3) Laundry facilities as an integral part of a hotel or marina.
(4) Outside sale and display of goods at city approved functions and events.
(5) Warehousing and/or storage completely enclosed within the principal building.
(6) Meeting space and limited retail sales as an accessory use to hotels.
(7) Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.
(8) Making of goods for sale at retail on the premises, with no odor, fumes, or other emissions detectable to normal senses from off the premises.
(9) Manufacturing, fabrication, and assembly activities associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises.
(10) Other uses that in the written opinion of the Planning Director are customarily accessory and clearly incidental and subordinate to permitted or permissible uses, are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district.

C. Retail Core Prohibited Uses, Activities, and Structures. In addition to the expressly prohibited uses, activities, and structures listed herein, any uses, activities, or structures not specifically listed shall be prohibited. Prohibited uses, activities, and structures are as follows:

(1) Adult entertainment establishments, uses, and activities (as defined and regulated by chapter 3 of the Municipal Code).
(2) Communication towers.
(3) Drive-through facilities.
(4) Manufacturing, fabrication, and assembly activities, except as a conditional accessory use.
(5) Outside sale, display, rental, or storage of construction equipment, rental trucks and trailers.
(6) Residential dwellings on the first floor constructed or converted after May 1, 2003.
(7) Roadside vending.
(8) Rooming and boarding houses.
(9) Warehousing and/or storage, except as an accessory use.
(10) Other uses not specifically cited in the list of permitted and conditional uses of this section.

D. Conditional Uses, Activities, or Structures. Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:

~~a. Car wash facilities~~
b. Colleges~~, vocational schools and preschools~~.
c. Community production or movie theaters.
d. Convention facilities.
~~e. Dry cleaning and laundry retail service and self-service establishments.~~
~~f. Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.~~
g. Hotels and motels.
~~h. Marinas, with or without fuel dispensing facilities.~~
i. Multi-level parking facilities~~ and commercial parking lots~~.
j. Outdoor recreational activities (i.e.: watercraft rentals; rental of bicycles; rental of mopeds or scooters with a motor rated not in excess of two brake horsepower and displacement not to exceed 50 cubic centimeters; trolleys or carriages for hire).
k. ~~Outdoor amphitheaters and p~~Parks.
l. Residential dwellings consisting of more than three ~~or more~~ units located on a second or upper floor ~~above the first floor of a commercial use~~.
m. The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

E. Periphery.

Allowable and other uses within the Periphery zone are subject to the underlying zoning district.

4. **Sec. 94-202 - Design standards for exterior alteration in downtown zoning districts.**

The following standards are applicable to exterior alteration of existing buildings within the Retail Core and are applicable to the Periphery if specifically noted. The standards apply along with existing Zoning and Sign Code provisions, however in the event of a conflict between these standards and Zoning and Sign Code provisions, these standards shall prevail. In general, exterior alterations shall be in keeping with the materials and appearance of historic downtown Palatka as represented by the period of significance between the 1880s and 1940s. Exceptions to these standards shall be allowed when documentation indicates proposed alterations are associated with original construction or historic period alterations.

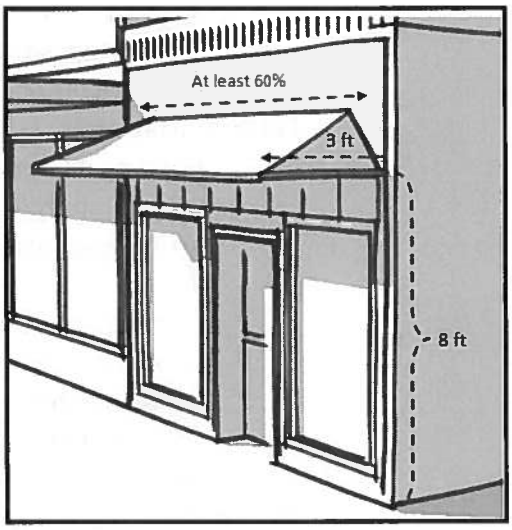


Fig. 1 *Awning dimensions*

A. Awnings and Canopies.

(1) *Location*. When utilized shall either extend at least 60% of the length of the building or storefront, or placed above entrance doors. Awnings may project out up to three feet from the back of the curb, and be at least eight feet above sidewalk grade.

(2) *Types Allowed*. Allowable awning types include shed, sloped, or dome (over window or door); mansard awnings are not allowed.

(3) *Materials Allowed (Awnings)*. Allowable materials are canvas, acrylics, metal, and poly-cotton fabrics.

(4) *Materials Allowed* (*Canopy*). Allowable materials are wood and metal.

(5) *Multiple Awnings*. Multiple awnings (not canopies) are appropriate for storefronts within a single building, however the awnings shall be similar in terms of style and shape.

(6) *Obscuring Architecture*. Awnings and canopies shall not placed directly on important architectural features such as transoms or decorative glass and shall not obscure more than 30% of length of window.

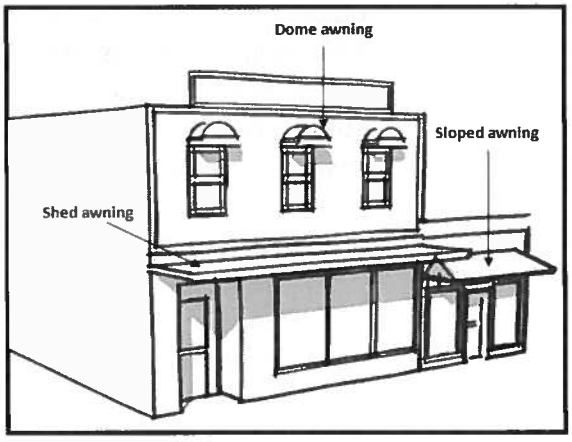
(7) *Symmetry*. Awnings shall be centered on the building, storefront façade, windows, or doors.

B. Balconies or Porches.

(1) *Clearance*. Shall be at least eight feet above sidewalk grade.

(2) *Materials Allowed*. Shall be made of metal and painted wood and shall match abutting wall material.

(3) *Projection*. Can extend up to three feet from the back of curb.



C. **Color.**

(1) *Prohibited Colors*. Fluorescent colors are prohibited, as are luminous paints and

synthetic reflective materials (also in Periphery).

(2) *Unpainted Natural Elements*. Unpainted natural elements such as stone or brick shall not be painted (not applicable to building exteriors that are currently painted).

D. Exterior Materials.

(1) *Building Materials*. Building exteriors shall be brick, stucco, cast stone, terra cotta, granite, marble, but faux finishes are prohibited (also in Periphery).

***Fig. 2** Appropriate awning types*

(2) *Window and Door Materials*. Wood, with ~~hardiplank~~ cementitious fiberboard or similar material allowed if such material closely resembles wood finish. Metal windows and doors finished in ~~baked~~ enamel are allowed. Unfinished metal or raw aluminum windows and doors are prohibited.

(3) *Wood Substitute*. Hardiplank or similar material may be used as a substitute for wood, if such material closely resembles wood finish.

E. Illumination. Buildings shall have shielded/hooded lighting except that buildings and trees may be up-lit. Fixtures shall be consistent with period lighting such as goose-neck fixtures.

F. Landscaping.

(1) *Street Tree Placement*. Street trees should be strategically placed to provide for "gateways" at intersections, to provide for shade, and should not obscure architecturally significant buildings (also for Periphery).

(2) *Street Tree Spacing*. Street trees should be planted in conformance with an approved downtown streetscape plan (also for Periphery).

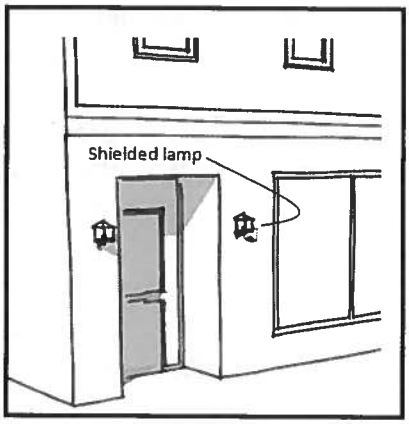
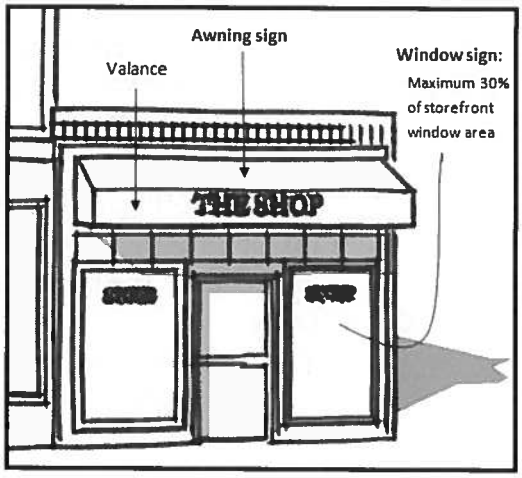


***Fig. 3** Shielded light fixtures*

G. Roofs. ~~Buildings shall have flat roofs with parapets allowed.~~ Decorative and non-functional roofs are prohibited. Façades including roofs shall have rectangular presentations, with parapets required when necessary to shield rooftop equipment from view.

H. Storefronts. Storefronts frequently define the character of commercial buildings and entrances, with display windows, trim, cornices, and decorative detailing being particularly important. Door and window location creates a distinct rhythm on the facade of a building. When rehabilitating a storefront, such original or historically significant features, materials, and design elements shall be retained and repaired.



I. Signs. In addition to standards set forth in 62, Sec. 94-161(j)(1) and Sec. 94-162(j)(1), the following standards shall also apply

(1) *Externally Lit Signs*. Externally-lit signs shall be lit with incandescent-spectrum bulbs. Lighting shall be limited and directed to not allow for glare and spillover light trespass (also for Periphery).

(2) *Internally Lit Signs*. Internally lit signs are prohibited except for backlit channel letters used for wall signs.

(3) *Neon Signs*. Neon signs are limited to window and projecting signs and may flash, but scrolling or other movement shall not be allowed. "Open" signs are excluded from the two-sign maximum if they are less than ten square feet.

(4) *Building Name Sign*. A wall sign is allowed for a single building to indicate building name, construction date, and address, limited to areas immediately adjacent to the building parapet, with each sign not to exceed 20 square feet in size.

Fig. 4 *Awning and window signs*

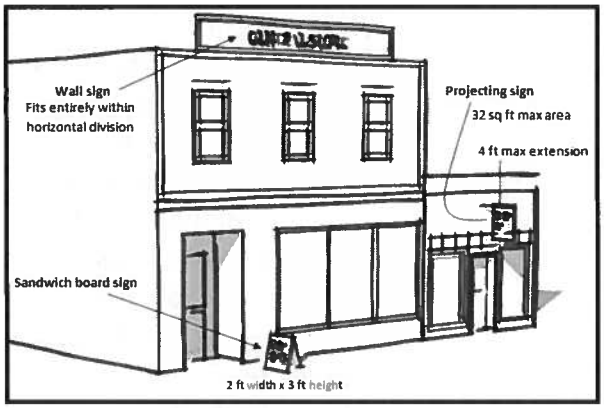


Fig. 5 *Sign locations*

(5) *Sign Material*. Sign material shall be durable and include the following: metal (iron, steel, brass, copper, aluminum and other natural finishes); painted metal, including powder-coated or enameled metals; wood (painted or natural, including carved or sand-blasted lettering); vinyl or other sheet claddings (for backing panels or cut lettering only); glass; fiberglass, high-density urethane foam, and similar "cast" or formed materials to create three-dimensional objects, including individual lettering. The use of cardboard, plywood, paper, or similar impermanent material for sign material is prohibited.

(6) *Sign Uniformity on Single Buildings*. Signs located on a single storefront shall complement each other either with type (all awning signs for example), color, or design.

(7) *Wall Sign Location*. Wall signs shall fit entirely within horizontal elements of buildings and should not cover up architectural treatments. Acceptable areas include sign bands, continuous flat wall surface free of window and other openings or architectural features, areas between the top of the storefront and the sill of second floor windows, sign boards already in place and designed for such use, and panels at the top and bottom of show windows. Signage will fit entirely within horizontal divisions to the extent feasible. Where no architectural divisions exist or are evident, signage will be proportionately scaled to the façade and placed to respect window and door openings.

(8) *Wall Sign Material*. Wall signs can take the form of mounted board signs or individually mounted (channel) letters.

(9) *Wall Sign Dimensions*. Maximum size shall be 125% of storefront frontage linear feet, up to a maximum of 100 square feet. Maximum width shall be 70% of the storefront or overall façade width. Maximum height shall be 25% of building height.

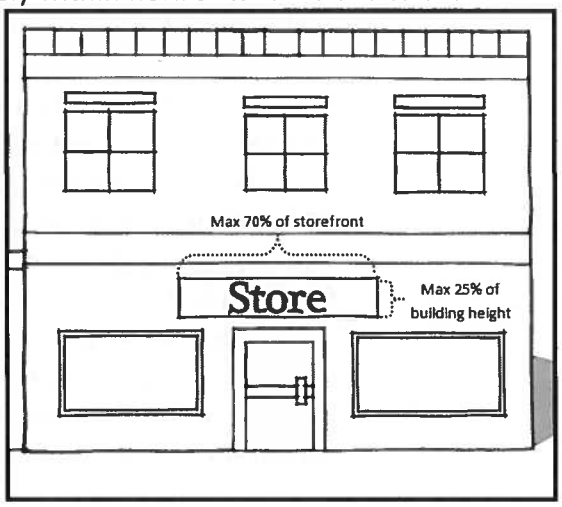
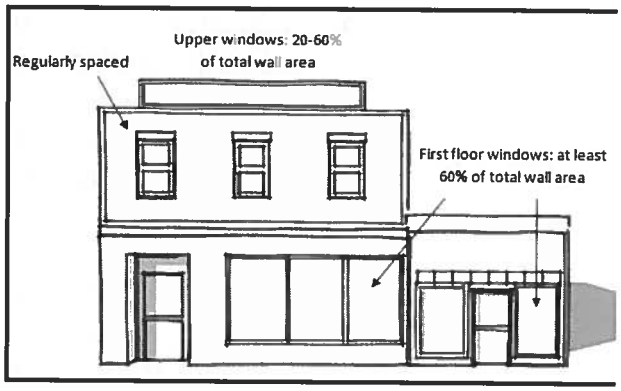


Fig. 6 *Wall sign dimensions*

(10) *Window Sign Area*. Window sign area shall not exceed 50% of storefront window area, although gold leaf window signs can account for an additional 15% of window area, and all-gold leaf lettering can account for up to 75% of window area.

(11) *Window Sign Material*. Window signs shall only be painted on the interior or exterior of the window or use decal materials, with the exception of "for sale" or "for rent" signs, which shall be limited to six square feet, one per storefront.



J. **Windows**. Windows shall be required on all elevations visible from public rights-of-way, with the following standards applicable only to the Retail Core:

(1) *First Floor Windows*. First floor facades shall include storefront windows to occupy at least 60% of first floor wall area.

(2) *Muntins*. Flush or snap-in muntins are historically inauthentic and are prohibited.

(3) *New Windows*. New windows shall be similar in shape and size to documented original windows or shall be or resemble one-over-one style.

(4) *Obscuring*. Original upper floor windows shall not be obscured or removed.

(5) *Opacity*. Windows shall contain clear glass and transmit at least 50% of visible daylight.

(6) *Upper Floor Windows Required*. Upper floor windows shall comprise between 20% and 60% of the total building wall area. No more than 15 feet of horizontal distance of wall shall be provided without windows.

(7) *Upper Floor Window Spacing*. Upper floor windows shall be regularly spaced.

(8) *Verticality*. Doors and windows must be vertical and not horizontal (except for first-floor storefront windows). Sliding doors are prohibited.

(9) *Window Regularity and Ornamentation*. Buildings shall have similar-shaped windows in regard to window hoods or trim.

K. **Streetwalls**. Streetwalls between two and three feet in height are required along the length of any parking lot, vehicular use area, or other interruption between buildings, excluding driveways. The streetwall must be masonry or brick that complements adjacent buildings architecture. Streetwalls may also consist of metal fencing with terminated with brick columns. Streetwalls shall be installed within ~~two~~ five years of the adoption of this ordinance.

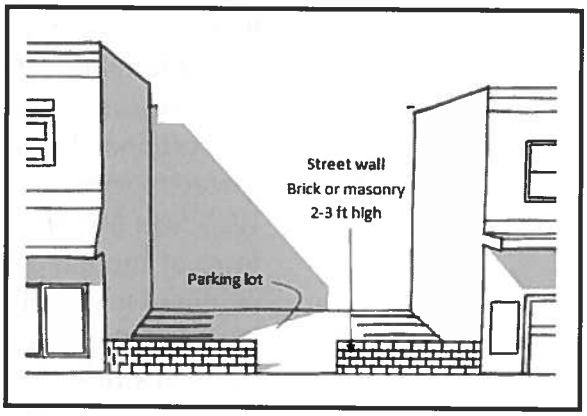


***Fig. 8** Streetwall*

L. **Fencing**. Wrought iron or wood picket fencing is allowed, or fence material that closely resembles the appearance of these fencing types.

5. **Sec. 94-203 - Design standards for new construction within downtown zoning districts.**

The following standards are applicable to new construction, which is also considered to include redevelopment when cumulative improvement value exceeds 50% of property value. The standards apply to the Retail Core and are applicable to the Periphery if specifically noted.

A. **Driveways and parking lots**. New driveways and parking lots are not allowed on St. Johns Avenue. Existing driveways shall be eliminated for new construction. Curb cuts/driveways exceeding 24-foot width shall be eliminated for new construction in retail core and periphery.

B. **Entrances**. Buildings shall have front entrance designed to be attractive and prominent architectural feature. Buildings shall incorporate lighting and contrast in mass, surface detail, or finish to give emphasis to entrance.

C. **Height**. Buildings height shall be similar to that of adjacent buildings, except that any new building may have a height up to 60 feet, with a limitation of four stories.

D. **Parking garages**. Parking garages shall be located behind "liner stores" with minimum storefront depth of 30 feet; entrances shall be from side streets; architecture of parking garages fronting on public streets shall achieve an architectural unity with existing buildings; and design features shall include brick, stucco, cornices, or a combination of architectural features which enable the parking garage to better blend with the area. Exterior walls shall include decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure opening, or vertical trellis or other landscaping. (Also applicable for Periphery.)

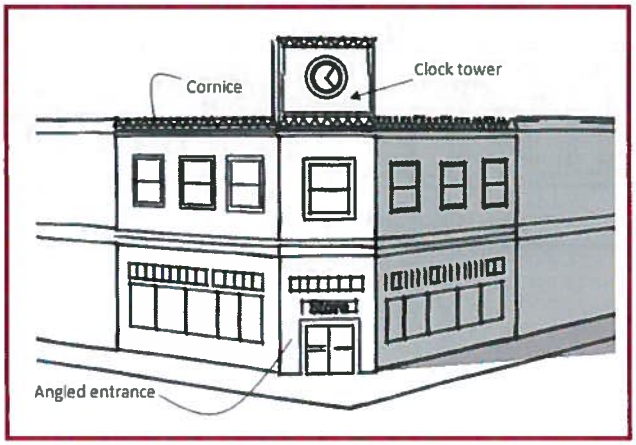


Fig. 9 Embellished corner building with angled entrance

D. **Proportion**. New construction and facade rehabilitation shall maintain horizontal and vertical spacing of elements similar to other buildings on the block. Buildings shall have rectangular presentations.

E. **Roofs**. ~~Flat roofs are required. Flat roofs shall be enclosed by parapets at least 24 inches high, or high enough to conceal HVAC equipment~~ Parapets shall be required when necessary to shield rooftop equipment from view (also for Periphery).

F. **Setbacks**. Buildings shall form a consistent, distinct edge, spatially delineating the public street through maximum building setbacks that vary by no more than five feet from those of the adjacent building.

G. **Width**. Where new buildings will exceed the historical 30 to 40 feet in width, the facade shall be visually subdivided into proportional bays, similar in scale to the adjacent buildings. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the facade.

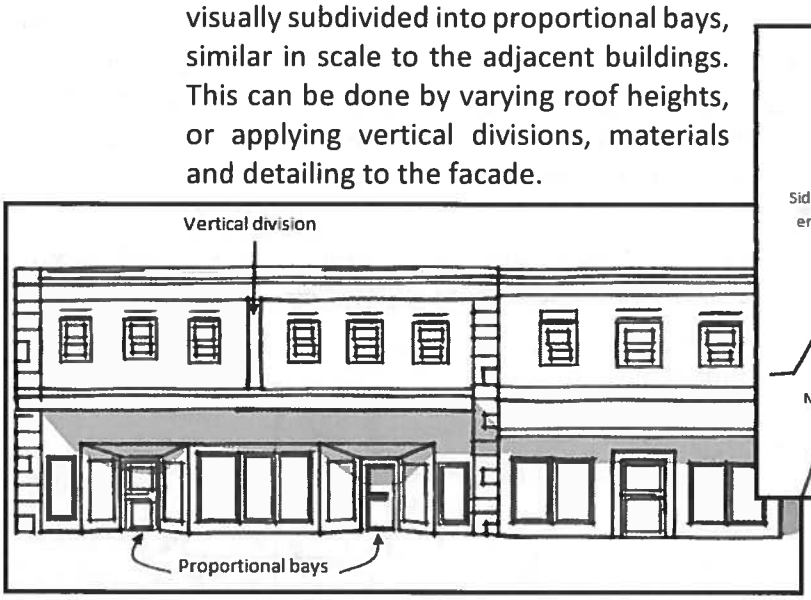


Fig. 11 Similar width and proportion of new construction

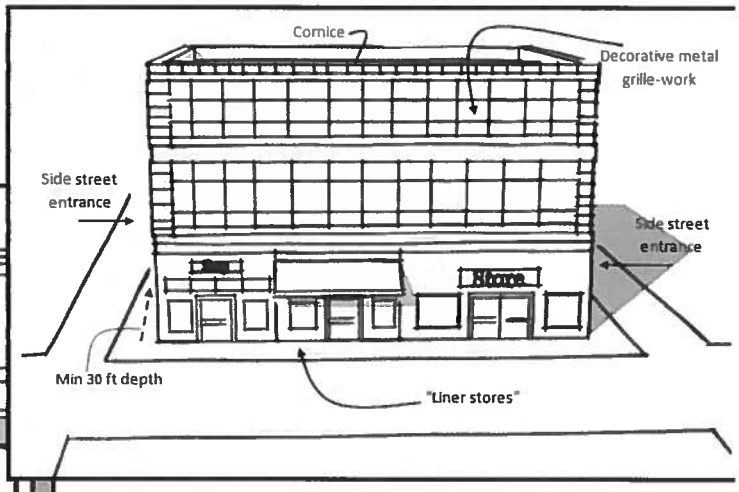


Fig. 10 Parking garage

Case 14-01
Request to Amend Zoning Code
(Building Exterior Standards for Major City Thoroughfares)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: January 27, 2014

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Addition of a section regarding building exterior standards to the Supplementary District Regulations of the Zoning Code (Division 3).

APPLICATION BACKGROUND

The City's main road corridors exhibit some symptoms of blight including unattractive buildings, barren paved areas, decrepit chain link fences, and overly large and excessive signage. Staff has proposed a variety of tactics to address such blight including landscaping and fencing standards that would be gradually implemented in time. The Zoning Code currently has no design standards for new construction outside of historic districts. This means that new construction along the City's very visible roadway corridors can present unattractive features such as blank walls and unfinished metal exteriors. This change would institute the following basic design standards for new construction:

- Breaking up blank walls with windows, architectural features, columns, etc.;
- Prohibiting metal or flat-faced concrete block for exterior walls;
- Multiple rooflines for buildings that are more than 50 feet wide;
- Buildings cannot be designed to function as a sign:
- Dumpsters and mechanical equipment (rooftop or on the ground) shall be screened from public view;
- Building entrances to provide protection from elements and provide clear identity; and
- Loading docks, garage doors, and mini-storage shall be shall be screened from public view with landscaping or architectural features.

The standards would be applicable only to those properties adjacent to a "major thoroughfare" (19th Street, Crill Avenue, Husson Avenue, Madison Street, Main Street, Moody Road, Mosely Avenue, Palm Avenue, Reid Street, St. Johns Avenue, State Road 19, US 17, and Zeagler Drive) and only apply to walls and roofs that are visible from the public right-of-way. Single-family homes and duplexes, historic districts, and downtown overlay zone areas are exempt from the standards. Appeals of the standards would go to the Planning Board.

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.

- Improved appearance and the resulting greater development potential of commercial corridors;
- increase in property value of commercial corridors;
- protect the city's appearance for residents and visitors;
- foster civic pride and community spirit; and
- prevent potentially blighting influences.

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: while there are no specific goals, objectives and policies pertinent to this application, it is in keeping with and does not conflict with the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of Case 14-01 adding a section on building exterior standards on major city thoroughfares to Zoning Code Article III (Districts), Division 3 (Supplementary District Regulations) as stated in the attachment.

Sec. 94-204. Building exterior standards on major city thoroughfares.

(a) Intent and purpose. The purpose of these regulations is to protect the city's appearance for residents and visitors; enhance desirability of property investment; foster civic pride and community spirit; and stabilize and improve property values and prevent potentially blighting influences.

(b) Applicability.

(1) All new development on property abutting a major city thoroughfare (defined as 19th Street, Crill Avenue, Husson Avenue, Madison Street, Main Street, Moody Road, Mosely Avenue, Palm Avenue, Reid Street, St. Johns Avenue, State Road 19, US 17, and Zeagler Drive) shall conform to the requirements of this section. Single family detached and duplex units, properties in locally designated historic districts and sites, properties in a downtown overlay zone, and walls or roofs that are not visible from major city thoroughfares are not subject to the requirements of this section.

(2) An appeal for waiver or modification may be taken to the planning board, which shall have authority to grant such waiver or modification to the extent necessary based on the finding that such a waiver or modification would accomplish the intent of the standards or present a significant economic or practical hardship to a property owner.

(c) Building exterior standards.

(1) Walls shall be staggered by changes in surface planes and architectural features to avoid a monolithic "box" appearance by integrating at least one of the following architectural features no less than every 50 horizontal feet:

a. Porches;
b. Sun-shading devices, such as awnings, canopies, and similar devices;
c. Covered stairwells;
d. Doors;
e. Windows;
f. Chimneys; or
g. Columns or pilasters, inset or freestanding.

(2) Walls shall not be comprised of metal or flat-faced concrete block, unless such materials are used for minor accents comprising less than 20% percent of the wall.

(3) Walls shall have windows that make up at least 15 percent of the wall.

(4) Roofs shall have multiple rooflines if the building is more than 50 feet wide.

(5) Architecture as signage is prohibited. Buildings shall not be designed in a way in which the building's wall surface, through color or appearance, is a sign.

(6) Dumpsters and mechanical equipment such as air conditioners and compressors shall be screened from public view. When on rooftops or otherwise integrated within buildings the screening design shall be compatible with and part of the building design.

(7) Building entrances shall be protected from the elements and give clear identity to the entrance.

(8) If the use requires loading docks, garage doors, or mini-storage buildings and site conditions require them to be located along a major city thoroughfare, then such features shall be screened using landscaping or architectural elements.