

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

LEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

AGENDA CITY OF PALATKA March 8, 2012

CALL TO ORDER:

- a. Invocation – Father John Jacobs, Pastor; St. Peter's Anglican Church
- b. Pledge of Allegiance
- c. Roll Call

APPROVAL OF MINUTES – 2/23/12 regular meeting

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **PROCLAMATION - Women's History Month** – March, 2012
- b. **PROCLAMATION – Colorectal Cancer Awareness Month** – March, 2012 – Terri Flagg
- c. **PROCLAMATION - Brain Awareness Week** – March 11 through 17, 2012 – Pilot Club of Palatka

2. PUBLIC COMMENTS - (Speakers limited to three minutes – no action taken on items)

3. CONSENT AGENDA:

- *a. **Authorize execution of Change Order #3 to Masci Corp. Contract in the amount of \$67,207.74**, for a total contract amount of \$941,203.37 for WWTP Energy Efficiency Improvements for costs associated with the vertical turbine pumps and electrical/control conduits and wiring, per City Manager's recommendation
- *b. **Authorize execution of Change Order #2 to S.E. Cline Const. Contract in the amount of (\$14,781.24)**, for a new total contract amount of \$1,011,926.72 to adjust scope of work for the Streetscaping and Parking Lot Const. for the Riverfront Park Renovations Project, per City Manager's recommendation
- *c. **Authorize execution of Change Order #1 to Base 3 LLC d/b/a Gibson Electric contract in the amount of \$1,665.30**, for a new total contract amount of \$47,625.30 for electrical switching upgrades for the City Buildings Energy Efficiency Retrofit Project, per City Manager's recommendation
- *d. **Authorize execution of Change Order #1 to Posidone, LLC Contract** to extend the completion time by 60 days for the Water Taxi Refurbishment Project – per City Manager's Recommendation
- *e. **Surplus Fire Department Self Contained Breathing Apparatus (11 air packs & masks & 22 air bottles) and authorize disposition as donation to Putnam County Sheriff**, per Fire Chief's recommendation
- *f. **Introduce memorandum re: Status of CRA Annual Report** into the record – For Information Only

- * 4. **PUBLIC HEARING/ORDINANCE** to revise the Comprehensive Plan Future Land Use Element to add a policy establishing airport protection policies – **Authorize transmittal of draft ordinance to state agencies for review** – City of Palatka, Applicant – **Tabled on February 23, 2012 to a time certain of March 8, 2012**

AGENDA - CITY OF PALATKA

March 8, 2012

Page 2

- * 5. **ORDINANCE** repealing and readopting Section 38 of the Palatka Code of Ordinances to adopt new Flood Zone Rules, Regulations, Development & Variance Criteria and Maps - First Reading
- * 6. **ORDINANCE** amending Section 94-153 of the Zoning Code of Ordinances to allow colleges in PBG-1 zoning category – 2nd Reading, Adopt
- * 7. **ORDINANCE** amending Chapter 94, Zoning, of the Palatka Code of Ordinances, to revise requirements for Planned Unit Developments – 2nd Reading, Adopt
- * 8. **ORDINANCE** amending Section 94-114 of the Zoning Code of Ordinances to allow for the re-establishment of a non-conforming use – 2nd Reading, Adopt
- 9. **ADMINISTRATIVE REPORTS**
- 10. **COMMISSIONER COMMENTS**
- 11. **ADJOURN**

*Attachment **Separate Cover

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

Upcoming Events:

March, 2012 – Women's History Month
March 15 – 18, 2012 – BASS Elite Series Tournament
March 22, 2012 – City Commission Workshop, 4:00 p.m.
April 21, 2012 – MOD March for Babies
May 25 – 28, 2012 – Blue Crab Festival
May 28, 2012 – City Offices closed to observe Memorial Day
July 4, 2012 – City Offices closed to observe Independence Day

Board Openings:

Tree Committee 1 Vacancy
Code Enforcement Board: 2 Vacancies (Architect. & Alt.)
Historic Preservation Board: 1 alternate

CITY OF PALATKA



Proclamation

WHEREAS, Since its beginnings, our land has been blessed by noteworthy women of all races, creeds, and abilities who played defining roles in shaping our Nation. The history of American women is an expansive story of outstanding individuals who sacrificed much and worked hard in pursuit of a better world, where peace, dignity, and opportunity can reign. Their countless recorded and unrecorded contributions have enriched our culture, strengthened our Nation, and furthered the Founders' vision for a free and just Republic that provides opportunity and safety at home and is an influence for peace around the world; and

WHEREAS, during Women's History Month, we reflect on the extraordinary accomplishments of women and honor their role in shaping the course of our Nation's history. Today, women have reached heights their mothers and grandmothers might only have imagined. Women now comprise nearly half of our workforce and the majority of students in our colleges and universities. They scale the skies as astronauts, expand our economy as entrepreneurs and business leaders, and serve our country at the highest levels of government and our Armed Forces. In honor of the pioneering women who came before us, and in recognition of those who will come after us, this month, we recommit to erasing the remaining inequities facing women in our day; and

WHEREAS, this year we commemorate the 100th anniversary of International Women's Day, a global celebration of the economic, political, and social achievements of women past, present, and future. International Women's Day is a chance to pay tribute to ordinary women throughout the world and is rooted in women's centuries-old struggle to participate in society on an equal footing with men. This day reminds us that countries are more peaceful and prosperous when their female citizens enjoy equal rights, equal voices and equal opportunities; and

WHEREAS, as we reflect on the triumphs of the past, we must also look to the limitless potential that lies ahead. This year, in accordance with the theme, "**Women's Education – Women's Empowerment,**" we must equip the young women of today with the knowledge, skills, and equal access to reach for the promise of tomorrow.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby endorse and declare March, 2012 as

WOMEN'S HISTORY MONTH

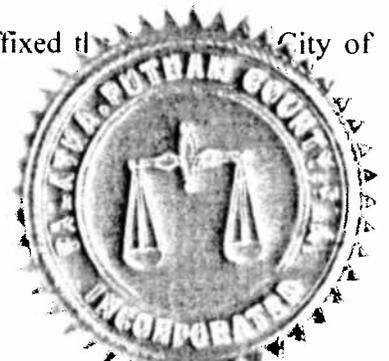
In the City of Palatka, and we call upon its citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women. By positively impacting the lives of our mothers, sisters, wives, daughters and grand-daughters, we will enrich the lives and prospects of our fathers, brothers, husbands, sons and grandsons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 8th day of March, in the Year of Our Lord Two Thousand Twelve.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

VERNON MYERS, MAYOR



CITY OF PALATKA



Proclamation

WHEREAS, the National Colorectal Cancer Roundtable, the Centers for Disease Control & Prevention, the Cancer Research Foundation of America, and the American Digestive Health Foundation have joined together to encourage Americans to observe March 2012 as National Colorectal Cancer Awareness Month; and

WHEREAS, colorectal cancer is the second leading cause of cancer deaths in men and women combined in Florida as well as in the United States. Education can help inform the public of methods of early detection and prevention; and

WHEREAS, an estimated 10,500 Floridians will be diagnosed with colorectal cancer this year and 3,540 Floridians will die from this disease in 2012; and

WHEREAS, less than 65 percent of Floridians above age 50 receive annual screenings for colorectal cancer. There often are no symptoms of colorectal cancer but regular screenings can reduce the number of deaths from this disease by 30-80 percent by detecting cancerous or pre-cancerous conditions early, when treatment is most effective; and

WHEREAS, the state of Florida, Florida Department of Health and Senior Services, Bureau of Cancer Control in partnership with the Florida Cancer Consortium, the American Cancer Society, and the Center for Disease Control & Prevention remain committed and dedicated to inform the public about colorectal cancer prevention and screening.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby endorse, declare and designate the Month of March 2012 as

COLORECTAL CANCER AWARENESS MONTH

in the City of Palatka, and hereby encourage the citizens of Palatka to observe the day with appropriate programs and activities designed to raise awareness about the prevention and control of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 8th day of March, in the Year of Our Lord Two Thousand Twelve

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, Mayor



CITY OF PALATKA



Proclamation

WHEREAS, the Pilot Club of Palatka is one of more 530 clubs chartered through Pilot International, a global organization of executive, business and professional leaders working together to improve the quality of life in local communities throughout the world; and

WHEREAS, Pilot International provides guidance and encouragement to our communities through sponsorship of safety and awareness programs, especially as they relate to brain-related disorders; and

WHEREAS, each year thousands of Floridians are diagnosed with devastating disorders of the brain and nervous system, including Alzheimer's disease, aging, stroke, alcohol and drug addiction, spinal cord injury, autism, schizophrenia and mood disorders, all of which cause considerable pain and suffering for these victims and their families; and

WHEREAS, in this century we are embarking on a new era of discovery based on the rapid progress being made in studies of the brain and the powerful new tools available to neuroscientists, greatly benefiting people who are incapacitated by spinal cord injuries, depressive disorders, epileptic seizures, Parkinson's Disease, Huntington's Disease, muscular dystrophy, cystic fibrosis and other life threatening disorders; and

WHEREAS, new insights from neuroscience research will give us a more concise understanding of how people become addicted to drugs and thereby provide more effective treatments for those with chemical dependence; and

WHEREAS, hundreds of scientists at Florida's premier universities, private colleges and research institutes are at the forefront of many promising efforts being made to better understand the complexities of the brain, find better treatment for brain disease, reduce the cost of diagnosis and treatment of neurological conditions, and implement cures.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby proclaim the week of March 11 – 17, 2012 as

BRAIN AWARENESS WEEK

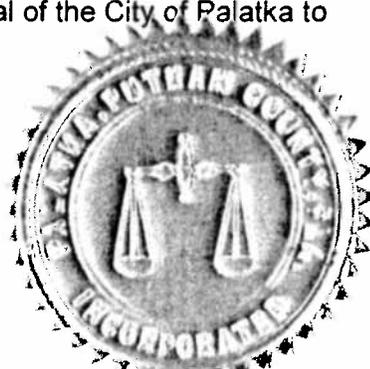
In the City of Palatka, calling this observance to the attention of our citizens, and commending the Pilot Club of Palatka for their dedication to raising the community's awareness of brain-related disorders and their efforts to help relieve the suffering of victims of brain-related illness and disease.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Palatka to be affixed this 8th day of March, in the Year of Our Lord Two Thousand Twelve.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR



*Agenda
Item*

3a

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners

From: Woody Boynton, City Manager

Date: March 1, 2012

RE: Wastewater Treatment Plant Improvements Project Change Order #3- Masci Corporation

Attached for your review is a copy of change order #3 for the WWTP Improvements Project. This project is associated with the City's reuse expansion project and will allow for 100% of the plants reuse to be treated and made available for reuse. This change order represents changes associated with relocating variable frequency drives for reclaimed water pumps, revised flow metering equipment, labor and equipment costs associated with the interior coatings on the chlorine contact chamber, and extra work required for unforeseen conditions in connecting the new system with the old.

It is expected that the increase (\$67,207.74) in the contract price will be covered by the grant. We concur with the recommendation of the engineer and recommend approval of change order no. 3. Should you have any questions, please call.



February 28, 2012

Mr. Elwin C. Boynton, PE
City Manager
City of Palatka
201 N. 2nd Street
Palatka, Florida 32177

Re: Wastewater Treatment Plant Improvements

Subject: Contract Change Order #3

Dear Mr. Boynton:

Attached is change order #3 for the referenced project. This change order is for the cost increase associated with the relocation of the variable frequency drives for the vertical turbine pumps to the main control room building. The original flow meter proposed is no longer made by the manufacturer so a change was necessary which increased the costs. Also included are costs associated with unforeseen underground conditions associated with the new connection to the splitter box. Electrical / Control conduits and wiring required relocation to accommodate the proposed improvements which resulted in increased labor, equipment and material costs. This change order provides the contractor with a 30 day time extension due to the aforementioned changes.

Ayres Associates recommends approval of this change order. Please feel free to contact me should you have any questions.

Sincerely,

Ayres Associates Inc

Daryl R. Myers, PE
Project Leader I

Enclosure

cc:

MASCI CORPORATION

GENERAL CONTRACTORS

5752 S. Ridgewood Ave
Port Orange, FL 32127
Tel. (386) 322-4500 : General Fax (386) 322-4600
Estimators Fax: (386) 322-4543

March 1, 2012

Mr. Daryl Myers, P.E.
Ayres Associates
5220 Shad Road, Ste. 200-3
Jacksonville, FL 32257

RE: City of Palatka Wastewater Treatment Plant Improvements
Masci Proj. No.: 11-004
Revised Change Order No. 3

Dear Mr. Daryl Myers:

In reference to the above mentioned project, Masci originally intended to subcontract the coating application portion of this project. Due to the schedule constraints as well as the fact that we currently have favorable weather for the application of the required coatings, we are proposing to use our own forces to apply them.

The application of the coatings will take a total of 8 days to complete for a six man crew and the equipment necessary to apply the coatings. The breakdown is as follows:

Equipment for coating application:	\$ 2,500.00
Labor for coating application:	\$17,500.00
Total:	\$20,000.00

This Change Order also represents additional cost for the unforeseen conditions in and around the tie in to the splitter box. Electrical and control wiring was relocated to accommodate the proposed improvements, which resulted in additional time for disconnection and reconnection of equipment. The cost is as follows:

Labor, Equipment and Materials for relocation: **\$15,713.12**

Please contact the office if you should have any questions.
Thank you.

Sincerely,
MASCI CORPORATION


Leonel A. Masci, P.E.
President

cc: Elwin C. "Woody" Boynton, Jr., City Manager – City of Palatka
Leticia Masci, Vice President
File

MASCI CORPORATION

GENERAL CONTRACTORS

5752 S. Ridgewood Ave
Port Orange, FL 32127
Tel. (386) 322-4500 : General Fax (386) 322-4600
Estimators Fax: (386) 322-4543

AYRES ASSOCIATES
FEB 16 2012

February 13, 2012

Mr. Daryl Myers, P.E.
Ayres Associates
5220 Shad Road, Ste. 200-3
Jacksonville, FL 32257

RE: City of Palatka Wastewater Treatment Plant Improvements
Masci Proj. No.: 11-004
Revised Quote

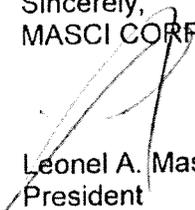
Dear Mr. Daryl Myers:

In reference to the revised electrical drawings, E-1, E-2, E-3 and E-4 dated 11-12-11, please below are our costs. This cost specifically includes the electrical and the magnetic flow meter and signal converter revisions only. I have enclosed our subcontractor's backup.

VFD Starters and Motor Circuits	\$24,370.62
Magnetic Flow Meter and Signal Surge Protection	\$ 3,016.00
Overhead and Markup @15%	\$ 4,108.00
<hr/>	
Total	\$31,494.62

Thank you.

Sincerely,
MASCI CORPORATION


Leonel A. Masci, P.E.
President

Enclosure (2)

cc: Elwin C. "Woody" Boynton, Jr., City Manager – City of Palatka
Leticia Masci, Vice President
File

Change Order Request



C.O.R. # 267-0001

G.C. #

Date: 12/6/2011

Project Name: Palatka Reuse Sys Ext

Project #: 267

To: Masci Corporation
Attn: Leo Masic
5752 S Ridgewood Avenue

Port Orange, FL 32127

From: Sharrer Electric Co., Inc.
Robert Sharrer
3507 SW 13th St.
Ocala, FL 34474

Phone: (386) 322-4500 Fax: (386) 322-4600

Phone: (352) 236-6650 Fax: (352) 236-6654

We hereby propose to make the following changes:

Change Order For VFD Starters & Motor Circuits

Scope of work:

Supply and install a 400 amp service from an existing vault location to the maintenance building, install this service feeder through the building to what's referred to as the main electric room. In this room mount a gutter to distribute this service to three 75 HP VFD starters. Provide three underground conduits with wire as indicated to each of the motors.

Exceptions to this change order:

We do not include any cost for the new utility supplied transformer or any additional conduit or possibly a concrete pad it will set on.

Modify This Change Order on 2/08/2012

The modification is changing the path of the new west side service from what's shown on the latest drawing to a straight run from the transformer vault to the east side of the maintenance building, in addition to this we credited the length of the original new service from the east side. Also included in the revision are the VFD motor feeds which now come from the electric room along with three "1" conduits for control. Plus conduit and power for an additional analyzer.

Change Order Price	\$24,370.62
Original Contract Amount	\$0.00

This price is good for 30 days. If conditions change, this price is void.

We are requesting a time extension of 15 days in conjunction with this change.

Robert Sharrer	12/6/2011
_____ Author	_____ Date Sent

Accepted The above prices and specifications of this Change Order request are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise specified.

Authorized Signature

Date of Acceptance

Change Order Request



C.O.R. # 267-0001

G.C. #

Date: 12/6/2011

Project Name: Palatka Reuse Sys Ext

Project #: 267

Labor

Labor Type	Man Hrs	\$/Hr	Burden	Fringe	Total Tax	Total Labor
Journeyman	297.50	\$38.65	\$0.00	\$0.00	\$0.00	\$11,498.38
Journeyman	-56.88	\$38.65	\$0.00	\$0.00	\$0.00	(\$2,198.41)
					Sub Total	\$9,299.97
					Grand Total	\$9,299.97

Materials

Materials	Quantity	Cost	Total Tax	Total Materials
General materials	1.00	\$14,271.12	\$856.27	\$15,127.39
Credit materials	-1.00	\$4,004.40	\$(240.28)	(\$4,244.66)
			Sub Total	\$10,882.73
			Grand Total	\$10,882.73

Total Cost	\$20,182.70
Overhead	\$3,027.41
Profit	\$1,160.51
Total	\$24,370.62



	Description	Quantity	Total Material	Total Hours
1	1" EMT STRAP 1-H	3	0.34	0.12
2	3/4" GRC COUPLING	16	15.20	0.00
3	1" GRC COUPLING	8	12.08	0.00
4	1 1/2" GRC COUPLING	21	51.13	0.00
5	3 1/2" GRC COUPLING	1	12.01	0.00
6	1 1/2" GRC LB CONDULET	3	70.47	3.00
7	1 1/2" COVER	3	12.75	0.00
8	1-1/2" NEOPRENE GASKET	3	9.99	0.00
9	3/4" GRC 90 ELBOW	8	28.60	0.64
10	1" GRC 90 ELBOW	8	49.39	0.94
11	1 1/2" GRC 90 ELBOW	15	139.78	3.24
12	3 1/2" GRC 90 ELBOW	1	55.04	1.07
13	3/4" STEEL LOCKNUT	16	1.07	0.64
14	1" STEEL LOCKNUT	16	1.50	0.80
15	1 1/2" STEEL LOCKNUT	24	4.05	1.20
16	3 1/2" STEEL LOCKNUT	6	5.27	0.72
17	3/4" STL GRD BUSHING	8	14.36	0.72
18	1" STL GRD BUSHING	8	17.48	0.80
19	1 1/2" STL GRD BUSHING	9	24.22	1.35
20	3 1/2" STL GRD BUSHING	1	8.98	0.34
21	1 1/2" PLASTIC BUSHING	3	0.66	0.12
22	3 1/2" PLASTIC BUSHING	1	0.91	0.08
23	1/2" 1-H MALL STRAP	2	0.09	0.07
24	3/4" GRC STRUT CLAMP	8	3.02	0.40
25	1" GRC STRUT CLAMP	8	3.50	0.48
26	1 1/2" GRC STRUT CLAMP	24	14.68	2.16
27	3 1/2" GRC STRUT CLAMP	2	1.89	0.48
28	1 1/2"x12" NIPPLE	3	13.33	0.84
29	3 1/2"x12" NIPPLE	1	14.43	1.00
30	3/4" GRC CUT&THREAD	8	0.00	1.20
31	1" GRC CUT&THREAD	8	0.00	1.28
32	1 1/2" GRC CUT&THREAD	7	0.00	1.61
33	3 1/2" GRC CUT&THREAD	1	0.00	0.47
34	3/4" IMC	24	23.18	0.96
35	1" IMC	60	86.31	2.74
36	1 1/2" IMC	65	152.20	4.68
37	3 1/2" IMC	6	57.77	0.92
38	3/4" PVC	245	42.46	8.82
39	1" PVC	840	211.68	36.96
40	1 1/2" PVC	910	382.20	59.15
41	3 1/2" PVC	95	124.69	11.59
42	3 1/2" PVC T.A.	2	4.56	0.66
43	3/4" PVC FEM ADAPTER	8	2.14	0.80
44	1" PVC FEM ADAPTER	8	3.15	0.96
45	1 1/2" PVC FEM ADAPTER	6	3.09	0.96
46	3 1/2" PVC FEM ADAPTER	1	2.52	0.33
47	3/4" PVC COUPLING	10	1.37	0.00
48	1" PVC COUPLING	34	7.14	0.00
49	1 1/2" PVC COUPLING	6	2.27	0.00
50	3 1/2" PVC COUPLING	9	14.22	0.00
51	3 1/2" PVC 90 ELBOW	2	16.80	1.70
52	3 1/2" PLASTIC BUSHING	2	2.37	0.16
53	1/2 TYPE EF L/T COND	6	3.94	0.23
54	1/2" LT STRAIGHT CONN	2	4.63	0.30

	Description	Quantity	Total Material	Total Hours
55	3/4" STEEL FLEX	15	10.03	0.58
56	3/4" DC FLEX CONN	3	3.48	0.30
57	3/4" DC 90 FLEX CONN	3	6.96	0.30
58	P-3300 7/8" STRUT	16	28.87	1.28
59	P-1000 1 5/8" STRUT	9	20.01	0.99
60	#8x 3/4" S-TAP SCREW P/H	3	0.05	0.06
61	#8x1" S-TAP SCREW P/H	2	0.04	0.05
62	#12 THHN	220	32.34	1.13
63	#1/0 THHN	3,150	6,894.50	45.08
64	# 600MCM THHN	330	4,027.20	13.96
65	#12 THHN GREEN	110	16.17	0.56
66	#6 THHN GREEN	1,050	612.44	9.36
67	# 1/0 THHN GREEN	110	240.76	1.57
68	16-14 NYL INSUL RING RB14-8	3	1.05	0.11
69	BURIED UTILITY TAPE (3"x1000')	1,250	40.85	6.25
70	CONDUIT MEASURING TAPE	1,940	38.30	5.82
71	POLYTWINE	1,140	12.78	3.42
72	IPLD 750-6	3	398.45	3.00
73	FLOW TRANSMITTER	1	0.00	1.20
74	6"x6" WIREWAY 6' PC	1	140.00	0.78
75	6" WW END PLATE	2	13.94	0.06
76	TRENCH (6"x3' DEEP)	2,185	0.00	43.70
	Totals		14,271.12	297.25



	Description	Quantity	Total Material	Total Hours
1	1 1/2" GRC (GALV)	-60	-198.45	-5.40
2	1 1/2" GRC COUPLING	-12	-29.22	-0.00
3	1 1/2" GRC 90 ELBOW	-12	-111.83	-2.59
4	1 1/2" STEEL LOCKNUT	-18	-3.03	-0.90
5	3 1/2" STEEL LOCKNUT	-2	-1.76	-0.24
6	1 1/2" STL GRD BUSHING	-6	-16.14	-0.90
7	1 1/2" GRC STRUT CLAMP	-12	-7.34	-1.08
8	3 1/2" GRC STRUT CLAMP	-2	-1.89	-0.48
9	1 1/2" GRC CUT&THREAD	-6	-0.00	-1.38
10	1 1/2" IMC	-18	-42.15	-1.30
11	1 1/2" PVC	-115	-48.30	-7.47
12	3 1/2" PVC	-25	-32.81	-3.05
13	1 1/2" PVC T.A.	-6	-2.93	-0.96
14	3 1/2" PVC T.A.	-2	-4.56	-0.66
15	1 1/2" PVC FEM ADAPTER	-9	-4.63	-1.44
16	1 1/2" PVC COUPLING	-25	-9.45	-0.00
17	3 1/2" PVC COUPLING	-5	-7.90	-0.00
18	1 1/2" PVC 90 ELBOW	-6	-7.91	-2.04
19	3 1/2" PVC 90 ELBOW	-2	-16.80	-1.70
20	1 1/2" PLASTIC BUSHING	-6	-1.70	-0.24
21	3 1/2" PLASTIC BUSHING	-2	-2.37	-0.16
22	P-3300 7/8" STRUT	-5	-9.02	-0.40
23	P-1000 1 5/8" STRUT	-3	-6.67	-0.33
24	#1/0 THHN	-795	-1,740.04	-11.38
25	# 600MCM THHN	-120	-1,464.44	-5.08
26	#6 THHN GREEN	-265	-154.57	-2.36
27	#1 THHN GREEN	-40	-73.25	-0.54
28	BURIED UTILITY TAPE (3"x1000')	-40	-1.31	-0.20
29	CONDUIT MEASURING TAPE	-200	-3.95	-0.60
30	TRENCH (6"x3' DEEP)	-200	-0.00	-4.00
	Totals		-4,004.40	-56.88

Cogburn Bros., Inc.
3300 Faye Road
Jacksonville, Florida 32226
Ph: 904-358-7344 Fax: 904-358-2805

November 2, 2011

Masci Corporation
5752 S. Ridgewood Avenue
Port Orange, Florida 32127

Attn: Ms. Debra Geiger

Subject: Flow meter for Discharge to River

Ref.: 1. Your e-mail of Nov. 1, 2011
2. City of Palatka, Reuse System Extension

Gentlemen:

In reply to your e-mail, the additional cost to provide the magnetic flow meter and signal converter with the surge protection in place of the 18" propeller meter is \$ 3,016.00. ✓

Delivery on the mag flow meter is 5 to 7 weeks.

If this is satisfactory, give me a reply today and I will get the mag. meter on order.

Thanks.

Very truly yours,

John Goodson

*Agenda
Item*

3b

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners

From: Woody Boynton, City Manager

Date: March 1, 2012

RE: Palatka Downtown Redevelopment Project – Change Order #2

Attached for your review is Change Order #2 for the above referenced project. As you can see this change order reduces the total contract amount by \$14,781.24. Although, this change order is an overall net reduction in the contract cost; several additional cost increases are noted in this change order (See detailed proposal from S.E. Cline Construction). Most of the cost increases were the direct result of several below grade structures that were encountered and were required to be removed. These structures not only affected the installation of the stormdrain pipe but the final grading as well.

Other noteworthy adjustments include a FDOT contribution of \$30,000 in landscape money for the trees that were planted on the riverfront and a decision to eliminate some of the site amenities. This decision was made to ensure that the overall contract price was within budget. These amenities may be incorporated back into the project, should the budget permit.

We take no exception to the work completed or the change order requested and recommends approval.

Should you have any questions, please call.

**CITY OF PALATKA, FLORIDA
PUBLIC WORKS DEPARTMENT
CHANGE ORDER**

PROJECT: Downtown Commercial Area Redevelopment
CDBG Contract No. 11DB-L4-04-64-02-C02

DATED: June 20, 2011

CHANGE ORDER NO: 2

DATED: March 8, 2012

CONTRACTOR: S.E. Cline Construction
PO Box 354425
18 Utility Drive
Palm Coast, FL 32135-4425

JUSTIFICATION: All work items from Second Street to the Riverfront have been completed. This change order represents the additional work items that were required to complete the work in this area as well as estimated quantities have been adjusted to actual field quantities. See attached change order proposal provided by S.E. Cline Construction for detailed information.

CURRENT CONTRACT AMOUNT: \$1,026,707.96

DECREASE IN CONTRACT AMOUNT: \$ 14,781.24

NEW CONTRACT AMOUNT: \$1,011,926.72

CURRENT CONTRACT COMPLETION DATE: May 6, 2012

INCREASE IN CONTRACT TIME: 0

NEW CONTRACT COMPLETION DATE: May 6, 2012

ORDERED BY CITY OF PALATKA

BY: _____

Elwin C. Boynton Jr.
City Manager

ACCEPTED BY:

CONTRACTOR



S.E. Cline Construction, Inc.

P.O. Box 354425

18 Utility Drive

Palm Coast, Florida 32135

Phone: 386-446-6426 Fax: 386-446-6481

REQUEST FOR CHANGE ORDER

DATE: 2/16/12

CHANGE ORDER: # ² / REVISIED

PROJECT: Palatka Downtown Redevelopment

GENERAL CONTRACTOR: S.E. Cline Construction, Inc.

Revision to the original proposal and Scope of Work:

1. Demo brick base and replace with shell rock base on Memorial Dr. (105' x 8') due to existing road elevation too high.

Labor	1 Day @ \$2,700.00/Day =	\$2,700.00	
Material	Shell Rock 31 CY @ \$19.75/CY =	<u>\$612.25</u>	
		\$3,312.25	\$3,312.25

2. Grade down amphitheater hill.

4 Hrs @ \$300.00/Hr =	\$1,200.00	\$1,200.00
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3. Re-grade pond area per revised pond drawing G-1 dated 10/17/10.

1.5 Days @ \$2,700.00/Day =	\$4,050.00	\$4,050.00
-----------------------------	------------	------------

4. Add storm structure D-13 & 15" HDPE pipe including replacement of disturbed rip rap bags.

Labor	2 Days @ \$2,700.00/Day =	\$5,400.00	
Material	Type C storm inlet 1 EA @ \$1,015.00/EA =	\$1,015.00	
	15" HDPE 40 LF @ \$9.00/LF =	\$360.00	
	Mortar/brick 1 LS @ \$75.00/LS =	\$75.00	
	Rip Rap bags 42 EA @ \$6.50/EA =	<u>\$273.00</u>	
		\$7,123.00	\$7,123.00

5. Demo and remove concrete footing between storm structures D-1 to D-12 (170' x 12' x 3').

Subs: ABC Concrete			
Cut 24" slab	170' @ \$15.00/LF =	\$2,550.00	
Plunge cut stem wall	3' x 10" 2 EA @ \$70.00 =	\$140.00	
Plunge cut stem wall	2' x 10" 1 EA @ \$50.00 =	\$50.00	
Mobilization	1 LS @ \$300.00 =	\$300.00	
Labor:	Crew w/ 330 trackhoe to break up and load out concrete (6 days)		
	54 Hrs @ \$98.00/Hr =	\$5,292.00	
	Cline dump trucks to haul off large concrete (6 loads)		
	12 Hrs @ \$65.00/Hr =	<u>\$780.00</u>	
		\$9,112.00	\$9,112.00

6. Parking lot "E" buried concrete slab removal.

CAT 330 Hoe	9 Hr @ \$125.00/Hr =	\$1,125.00	
CAT 950 Loader	9 Hr @ \$98.00/Hr =	<u>\$882.00</u>	
		\$2,007.00/Day x 4 Days =	\$8,020.00

7. Re-grade parking lot "E" due to grade changes.

CAT 950 Loader	9 Hr @ \$98.00/Hr =	\$882.00	
CAT D6 Dozer	9 Hr @ \$95.00/Hr =	\$855.00	
Labor	9 Hr @ \$25.00/Hr =	<u>\$225.00</u>	
		\$1,962.00/Day x 1 Day =	\$1,962.00

8. Additional survey through beginning of job to 11/20/11.

July	\$1,900.00 x 15% OH&P =	\$2,850.00	
Aug	\$400.00 x 15% OH&P =	\$460.00	
Sept	\$600.00 x 15% OH&P =	\$690.00	
Oct	\$2,100.00 x 15% OH&P =	\$2,415.00	
Nov	\$2,000.00 x 15% OH&P =	<u>\$2,300.00</u>	
		\$8,050.00	\$8,050.00



S.E. Cline Construction, Inc.

P.O. Box 35425

18 Utility Drive

Palm Coast, Florida 32135

Phone: 386-446-6426 Fax: 386-446-6481

9. Memorial Dr. South of St. Johns intersection -- Demo and replace curb and sidewalk East side of road.

Demo curb & sidewalk			
CAT 330 Hoe	4 Hr @ \$125.00/Hr =	\$500.00	
CAT 950 Loader	4 Hr @ \$98.00/Hr =	\$392.00	
Labor	4 Hr @ \$25.00/Hr =	<u>\$100.00</u>	
		\$992.00	\$992.00

10. Parking lot "F" and greenscape changes.

1 1/2" asphalt: New quantity	2,281 SY	
Original quantity	<u>2,070 SY</u>	
	211 SY @ \$11.21/SY =	\$2,365.31

Sidewalk: New quantity	922 SY	
Original quantity	<u>865 SY</u>	
	57 SY @ \$22.50/SY =	\$1,282.50

Brick paver: New quantity	327 SY @ \$35.02/SY =	\$11,451.54
Original quantity	<u>725 SY</u> @ <\$47.52/SY> =	<\$34,452.00>

6" Limerock base:	211 SY @ 11.31/SY =	<u>\$2,386.41</u>	
		<\$16,966.24>	<\$16,966.24>

11. Parking lot "E" changes

1 1/2" Asphalt in lieu of 1 1/4"	2,160 SY @ \$1.39/SY =	\$3,002.40	
Additional 1 1/2" asphalt	118 SY @ \$11.21/SY =	\$1,322.78	
Additional 6" Base	118 SY @ \$11.31/SY =	\$1,334.58	
Additional D curb	27 LF @ \$8.53/LF =	<u>\$230.31</u>	
		\$5,890.07	\$5,890.07

12. St. Johns Ave changes

Additional 1 1/2" asphalt	87 SY @ \$11.21 SY =	\$975.27	
Deduct curb	<527 LF> @ \$10.81/LF =	<\$5,696.87>	
Deduct pavers Original	335 SY		
New	<u>297 SY</u>		
	<38 SY> @ \$47.52/SY =	<u><\$1,805.76></u>	
		<\$6,527.36>	<\$6,527.36>

13. Remove and replace silt fence for amphitheater

120 LF @ \$1.50/LF =	\$180.00	\$180.00
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14. Add rip rap bags along sea wall cap ± 60'

1 LS \$1,490.00	\$1,490.00
-----------------	------------

15. Changed RCP storm to ADS pipe <deduct>

36" RCP	256 LF @ \$1.19/LF =	<\$488.96>	
30" RCP	176 LF @ \$2.78/LF =	<\$498.28>	
24" RCP	152 LF @ \$1.44/LF =	<\$218.88>	
18" RCP	232 LF @ \$0.64/LF =	<u><\$148.48></u>	
		<\$1,345.60>	<\$1,345.60>

16. Quantity changes in storm pipe

	<u>New</u>	<u>Orig</u>	
36"	256 -	263 = <7>	@ \$80.00 = <\$560.00>
30"	176 -	158 = 18	@ \$71.00 = \$1,278.00
24"	152 -	158 = <6>	@ \$43.74 = <\$262.44>
18"	232 -	200 = 32	@ \$36.28 = \$1,160.96
29 x 45" ERCP	32' -	0 = 32	@ \$112.00 = <u>\$3,584.00</u>
			\$5,200.52



S.E. Cline Construction, Inc.

P.O. Box 354425

18 Utility Drive

Palm Coast, Florida 32135

Phone: 386-446-6426 Fax: 386-446-6481

17. Cut/adjust storm boxes due to grade changes/conflicts Labor: 41 Hr @ \$300.00/Hr = \$12,300.00 \$12,300.00

9/21/11	4 Hr	D-12
9/22/11	8 Hr	D-12
9/23/11	5 Hr	D-04
9/26/11	4 Hr	D-04
9/28/11	1 Hr	Demo FPL poles
9/29/11	5 Hr	D-11
9/30/11	5 Hr	D-11
10/11/11	4 Hr	D-07
10/12/11	2 Hr	D-07
10/28/11	3 Hr	D-02
	<u>41 Hr</u>	

18. Sluice gate cancellation fee \$300.00 \$300.00

19. Added concrete island (type A traffic separator) 1 LS \$560.00 \$560.00

20. Install 2" riser on existing sanitary manhole at Memorial & St. Johns intersection. \$150.00 x OH&P = \$172.50 \$172.50

21. Deduct all site amenities (benches/trash receptacles) <\$29,856.38>

22. Parking lot F landscape deduct (FDOT Grant) <\$30,000.00>

23. Parking lot A Landscape deduct <\$2,000.00>
Parking lot C Landscape deduct <\$11,000.00>
Parking lot F Landscape add \$13,000.00 <0>

Total Deduct: <\$14,781.24>

- 1. Total price under the original Construction Agreement: \$1,026,707.96
- 2. Previous Change Orders: \$0
- 3. This Change Order: <\$14,781.24>
- 4. Total price under the new Construction Agreement: \$1,011,926.72

All other terms and conditions of the Construction Agreement referred to above shall remain unchanged.

CONTRACTOR

S.E. Cline Construction, Inc.

By: Scott Stowers 2/17/12

OWNER

By: [Signature]

*Agenda
Item*

3c

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners

From: Woody Boynton, City Manager

Date: March 1, 2012

RE: 2010 Energy Conservation Project – Lighting Upgrades – Change Order #1

Attached for your review is a copy of change order #1 for the 2010 Energy Conservation Project City Buildings Energy Efficiency Retrofit Project. This change order reflects various minor electrical changes in the contract. The cost associated with each work item is appropriate. We concur with the recommendation of the engineer and recommend approval of change order no. 1.

The cost increase will be funded by the City as we have currently maxed out the grant award. The money will be appropriated from the General Fund.

Should you have any questions, please call.



AIA[®]

Document G701[™] – 2001

Change Order

PROJECT (Name and address): 1120 Lighting Retrofit City of Palatka Various Locations	CHANGE ORDER NUMBER: 001 DATE: 21 February 2012	OWNER: <input type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Base 3 LLC, a Florida Limited Liability Company, doing business as Gibson Electric 707 SW 20th Street Ocala, FL 34471	ARCHITECT'S PROJECT NUMBER: 1120 CONTRACT DATE: 23 November 2011 CONTRACT FOR: Electrical Upgrades	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

See attached Change Order No. 1 breakdown (1 page)

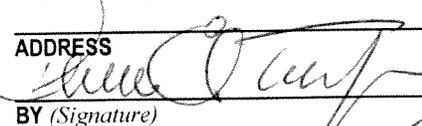
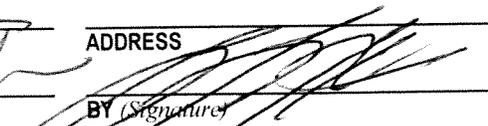
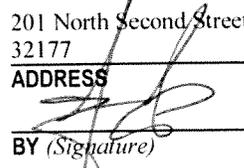
The original Contract Sum was	\$	45,960.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	45,960.00
The Contract Sum will be increased by this Change Order in the amount of	\$	1,665.30
The new Contract Sum including this Change Order will be	\$	47,625.30

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is 16 March 2012

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Robert E. Taylor, A. I. A., Architect, P. A.	Base 3 LLC, a Florida Limited Liability Company, doing business as Gibson Electric	City of Palatka
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
P.O. Box 267, Palatka, Florida 32178	707 SW 20th Street, Ocala, FL 34471	201 North Second Street, Palatka, FL 32177
ADDRESS	ADDRESS	ADDRESS
		
BY (Signature)	BY (Signature)	BY (Signature)
Mr. Robert E. Taylor, A. I. A.	Mr. Louie F. Wise III	Mr. E.C. 'Woody' Boynton, Jr.
(Typed name)	(Typed name)	(Typed name)
21 FEB '12		2/23/12
DATE	DATE	DATE

CHANGE ORDER NO. 1

Project: City of Palatka Lighting Retrofit
Architect: Robert E. Taylor, A. I. A., Architect, P. A.
Modified: 21 February 2012
Contractor: Base 3 LLC, d.b.a. Gibson Electric

Project No. 1120

Page 1 of 1

CPR No. 3 Building 1, City Hall -

Description 30 Jan 2012 - Provide and Install two ballasts in each of 10 fixtures located in room 115 to accommodate dual level switching as currently wired. Plans do not indicate dual level switching at each fixture

Cost 1 Feb 2012 - Gibson Electric's email cited a cost of \$1,033.50

Action 1 Feb 2012 - Approved by Mr. Boynton

CPR No. 4 Made in America Motion Sensor Wall Switches

Description Item used in bid was an equal by Legrand (Watt Stopper) and had a value of \$42.60 each. The Sensor Switch model WSD is made in USA and has a cost of \$62.410 each. A difference of \$19.80 each, total of 26 switches.

Cost 9 Feb 2012 - Gibson Electric's proposal cited a cost of \$631.80

Action 14 Feb 2012 - Approved by Mr. Boynton

TOTAL INCREASE IN CONTRACT SUM \$ 1,665.30

TOTAL INCREASE IN CONTRACT TIME NONE



Change Order 1A

707 SW 20th Street
Ocala, FL 34471

(352) 351-0145
FAX (352) 351-0219

SUBMITTED TO City of Palatka		PHONE	FAX	DATE 01/26/12
STREET 201 N Second ST		JOB NAME Palatka Lighting		
CITY, STATE AND ZIP CODE Palatka, FL 32177		JOB LOCATION City Hall		
ARCHITECT	DATE OF PLANS		JOB PHONE	

We hereby submit a proposal for the scope of work defined below:

Inclusions:

Provide and Install two ballasts in each of 10 fixtures located in room 115 to accommodate dual level switching as currently wired. Plans do not indicate dual level switching at each fixture.

This change includes credit for original ballast installation.

COR # 3

- 20- 2 Lamps Ballasts x \$22.70 = 454.00
- 10- Luminaire Disconnects x 1.15 = 11.50
- 9.3 Labor hr x 45.00 = 419.00
- 15% OH & P = 133.00
- Bond 1.5% = 16.00

Total : \$1033.50

The Original Contract Sum	_____
Net Change by previously authorized changes	_____
The contract sum prior to this change	\$0.00
Amount of this change	\$1,033.50
New contract sum including this change order	\$1,033.50

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

SIGNATURE _____

DATE: _____

SIGNATURE _____



Change Order 2

707 SW 20th Street
Ocala, FL 34471

(352) 351-0145
FAX (352) 351-0219

SUBMITTED TO City of Palatka		PHONE	FAX	DATE 02/09/12
STREET 201 N Second ST		JOB NAME Palatka Lighting		
CITY, STATE AND ZIP CODE Palatka, FL 32177		JOB LOCATION Multiple Buildings		
ARCHITECT Robert E. Taylor	DATE OF PLANS			JOB PHONE

We hereby submit a proposal for the scope of work defined below:

Inclusions:

Provide American Made motion sensor wall switches in lieu of imported model.
Addenda shows Lutron model or equal. The model shown is imported.

Item used in bid was an equal by Legrand (Watt Stopper) and had a value of 42.60 each.
The Sensor Switch model WSD is made in USA and has a cost of 62.40 each.

CPA # 4

Material - 26 x \$19.80 = \$514.80

Tax - 6% = 30.89

15% OH & P = \$77.22

Bond 1.5% = 8.89

Total : \$631.80

The Original Contract Sum	_____
Net Change by previously authorized changes	_____
The contract sum prior to this change	\$0.00
Amount of this change	\$631.80
New contract sum including this change order	\$631.80

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

SIGNATURE _____

DATE: _____

SIGNATURE _____

SE35751317 1

#0062 OCALA ELECTRIC HDS
HD SUPPLY ELECTRICAL, LTD
1602 NE 6TH AVE
OCALA FL 34470-3643
352-732-2995 Fax 352-368-3954

** Q U O T A T I O N **
SE35751317
P/O# :
14:26:01EST
Page # : 1 of 1

Sold To: 981548
BASE 3 LLC
707 SW 20TH STREET
OCALA, FL 34471-1220
352-351-0145 Fax 352-351-0219

Ship To: 981548
BASE 3 LLC
707 SW 20TH STREET
OCALA, FL 34471-1220
352-351-0145 Fax 352-351-0219

Ordered By	Ship Via BW BEST-WAY	Quote Date 02/02/12
Writer Robert Palpant	Freight Terms/FOB No	Exp Date 03/03/12
Salesperson Gary Bradford	Terms NET 10TH PROX 1.5% SC 25	

Spec	*****	
Instr	* SENSOR SWITCH	*
	*	*

QtyUM	Part#	Product Description	Unit PriceUM	Net Amount
25ea	2235128	LITH WSD-WH LOW VOLTAGE STANDARD STOCK IN CONYERS GA.	62.400ea	1560.00

Total weight 7.8 lbs

THIS IS A QUOTATION
Prices are firm until 03/03/12, subject to
change without notice after 03/03/12.
SALES TAX IS AN ESTIMATE! S&H IS AN ESTIMATE!

Subtotal	1560.00
S & H	0.00
Tax	93.60
Total Amt	1653.60

sensorswitch

WSD



WALL SWITCH DECORATOR SENSOR LINE VOLTAGE • PASSIVE INFRARED (PIR)

SPECIFICATIONS

FEATURES

- PIR Occupancy Detection
- Self-Contained Relay - No Power Pack Needed
- Interchangeable Hot & Load Wires - Impossible to Wire Backwards
- No Neutral Required / No Minimum Load
- Small Motion Detection to 20 ft (6.10 m)
- Self-Grounding Mounting Strap
- Compatible w/ Electronic & Magnetic Ballasts, CFLs, & Incandescents
- Push-Button Programmable w/o Removing the Switch Plate
- Adjustable Time Delay
- LampMaximizer[®] Minimum On Time (disabled by default)
- Non-Volatile Settings Memory
- Green LED Indicator

PHYSICAL SPECS

- SIZE (not including mounting strap)
2.74"H x 1.68"W x 1.63"D
(6.96cm x 4.27cm x 4.14cm)
- WEIGHT 5 oz
- MOUNTING Single Gang Switch Box
- MOUNTING HEIGHT 30-48 in
(76.2-121.9 cm)
- COLORS White, Ivory, Gray
Lt. Almond, Black

ELECTRICAL SPECS

- MAXIMUM LOAD
800 W @ 120 VAC
1200 W @ 277 VAC
1500 W @ 347 VAC
- MINIMUM LOAD None
- MOTOR LOAD 1/4 HP
- FREQUENCY 50/60 Hz
(timers are 1.2x for 50 Hz)

ENVIRONMENTAL SPECS

- OPERATING TEMP
14° to 160° F (-10° to 71° C)
- STORAGE TEMP
-14° to 160° F (-26° to 71° C)
- RELATIVE HUMIDITY
20 to 90% non-condensing
- SILICONE FREE
- ROHS COMPLIANT

OVERVIEW

The WSD is a stylish, easy to install, and simple to use Wall Switch Decorator style Passive Infrared (PIR) sensor. It is ideal for private offices, copy rooms, closets, or any small enclosed space without obstructions. A user programmable time delay ensures that once the room is vacated the sensor will time out and turn off the lights. Additionally, the WSD sensor has several On Modes and Switch Modes that can be programmed using the front push-button. For rooms with obstructions, the Dual Technology WSD PDT Series sensor is recommended.

SENSOR OPERATION

The sensor detects changes in the infrared energy given off by occupants as they move within the field-of-view. When occupancy is detected, the relay switches the connected load on as dictated by the sensor's operational settings.

An internal timer keeps the lights on during brief periods of inactivity and turns the lights off when it expires. The default time delay is 10 minutes. This timer is programmable from 30 seconds to 20 minutes, and is reset every time occupancy is re-detected. Patent pending LampMaximizer technology is also present in this sensor, providing an additional minimum on time (disabled by default) to be used if desired. This state-of-the-art design requires no field calibration or sensitivity adjustments.

ON MODES

- AUTOMATIC ON (default)** - Lights come on when occupancy is detected.
- MANUAL ON** - Requires the occupant manually turn on lights via the push-button.
- REDUCED TURN ON** - Sensor is initially set to only detect large motions, effectively ignoring PIR signals reflected off of surfaces, while still sensing occupants when they enter the room. Once lights are on, the sensor returns to maximum sensitivity.

SWITCH MODES

- PREDICTIVE OFF MODE (default)** - This mode allows occupants to turn lights off via the switch without losing the convenience of having the lights automatically turn on when they re-enter the room. Pressing the switch turns the lights off and temporarily disables the occupancy detection in the sensor. After a short exit time delay, the occupancy detection reactivates and monitors for an additional grace period. If no occupancy is detected, the zone will remain in Automatic On operation. If occupancy is detected, the zone will go to a Permanent Off mode, requiring the switch to be pressed again in order to turn the lights on and restore the sensor to Automatic On operation.
- PERMANENT OFF** - Pressing the switch turns the lights and the sensor off. Lights will not come on until switch is pressed again.
- SWITCH DISABLE** - Prevents user from manually turning off the lights via the push-button. Button can still be utilized for programming.

OPTIONS

VANDAL-RESISTANT LENS (V)

- Ideal for high abuse or public areas
- Decreases detection range by 50%

INHIBIT PHOTOCELL (P)

- Auto set-point calibration
- Photocell prevents lights from turning on if adequate daylight is available, but does not turn lights off

347 VAC (347)

- Allows sensor to be powered from and switch 347 VAC
- Wall plate provided (Ivory & White only)

COLOR

- White, Ivory, Gray, Lt. Almond, Black
- Wall plate provided
- Must be specified when ordered

LOW TEMP/HIGH HUMIDITY (LT)

- Sensor is corrosion resistant
- Operates down to -40° F/C



TITLE 24
ASSEMBLED in U.S.A.
5 YEAR WARRANTY

ORDERING INFO WSD [LENS] [PHOTOCELL] [VOLTAGE] [COLOR] [TEMP/HUMIDITY]

LENS	PHOTOCELL	VOLTAGE	COLOR	TEMP/HUMIDITY
Blank = Standard V = Vandal Resistant	Blank = None P = Photocell	Blank = 120/277 VAC 347 = 347 VAC	WH = White IV = Ivory GY = Gray AL = Lt. Almond BK = Black	Blank = Standard LT = Low Temp

*Agenda
Item*

3d

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners
From: Woody Boynton, City Manager
Date: March 1, 2012
RE: Refurbish/Renovate Palatka Water Taxis – Change Order #1

Attached for your review is Change Order #1 for the above referenced project. The construction of the boats has taken longer to complete than originally estimated, much of this is due to unanticipated delays in scheduling Coast Guard certification of each element of the boat construction. The contractor is requesting 60 days be added to the contract for a new completion date of July 1, 2012.

In addition, the contractor is asking that the date for substantial completion be moved to May 2, 2012. Substantial completion was originally estimated for February 2, 2012 which was the delivery date of the first boat.

We take no exception to the change order request and recommend approval.

Should you have any questions, please call.

Agenda Item

3e



Palatka Fire Department

500 N Moody Rd.

Palatka, Florida 32177

Chief Mike Lambert

Office/Fax: 386-329-0155

E-Mail: mlambert@palatka-fl.gov



February 28, 2012

Re: Acquisition of SCBA (Self-Contained Breathing Apparatus) for Putnam County Sheriff's Office.

We would like to donate eleven Survive Air packs, eleven masks, and twenty-two air bottles. This equipment has expired, and can no longer be used by Fire Department standards. They can however be utilized by the sheriff's office, as they follow a different set of regulations. In researching resale of this equipment, we found that they can no longer be used in fire service. We have been fortunate to replace these with new MSA air packs with funds awarded to our department from an AFG Grant.

Memo

To: City Commission
From: Chief Lambert
Department: Fire
CC: Matthew Reynolds, Finance Director
Date: 3/1/2012
Re: Surplus Property Request

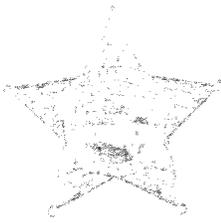
Please declare the following property surplus:

<u>Item/Description</u>	<u>Quantity</u>	<u>Inventory Control No.</u>
1. Survive Air – Panther Air Packs	35	
2. Survive Air – Air Pack Masks	40	
3. Survive Air – 45 min. Air Bottles	53	

Recommended Disposition:

*Donate to Putnam Co. S.O.
per request letter attached*

Jeff Hardy, Sheriff



SHERIFF

Putnam County

February 27, 2012

Palatka Fire Department
100 N. 11th Street
Palatka, Florida 32177

Attn: Aaron Kunsberg, PFD

Re: Acquisition of SCBA (Self-Contained Breathing Apparatus) for Sheriff's Office

To whom it may concern:

I am writing this letter for the purpose of requesting the transfer of any available SCBA's and masks from the Palatka Fire Department to the Putnam County Sheriff's Office Department of Corrections.

The county jail is currently in critical need of approximately 10 air-packs to replace those now being used by the Jail and some members of the Department of Law Enforcement. If the Palatka Fire Department agrees to contribute these replacements, we agree to hold harmless and release the Palatka Fire Department of any liability associated with their future use and care. We also agree to perform the necessary ongoing maintenance and ensure they remain fully operational while in our possession.

Thank you for your cooperation and consideration.

Sincerely,

Major John Griffin, Director
Department of Corrections



*Agenda
Item*

3_f

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0195

City of Palatka
Office of the Finance Director

To: Mayor, Commissioners

From: Matt Reynolds, Finance Director



Date: February 24, 2012

RE: CRA Annual Report

Per Florida Statutes S. 163.356(3)(c), the CRA must file a report with the governing body on or before March 31 of each year that includes its activities for the preceding fiscal year as well as a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year.

The financial statement setting forth assets, liabilities, income and operating expenses will not be completed until the auditors have completed their audit report. In the past, we have presented the CRA report described above in May once the auditors have presented their audit report. I have spoken with Carol Westmoreland, Executive Director of the Florida Redevelopment Association, and she stated that several other cities have the same issue in regards to the financial statements not being completed until after March 31 and that this will not create an issue as long as the report is filed once the financial statements become available.

As soon as the financial statements become available, we will be presenting the CRA Annual Report to the Commission for approval.

Agenda Item

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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Transmittal of Comprehensive Plan
Amendment adding Future Land Use
Element policies to protect municipal
airport from incompatible uses

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Planning Board Minutes Excerpt
3. Planning Board Staff Report

MEETING DATE: March 8, 2012

ISSUE: Florida HB 2012, passed in 2009, mandated that all jurisdictions revise comprehensive plans by July of this year to protect airports from incompatible uses. Specifically, the FDOT created zones of restriction for residential and educational development. Staff has notified the Putnam County School District and the St. Johns River State College of the proposed policies. In simple terms, no new medium and high density land use amendments would be allowed in the residential restrictive zone, and no new schools allowed in the educational restrictive zone – except for colleges with state-approved campus master plans and aviation training facilities. More detail is provided in the attached staff report.

The Planning Board reviewed the item and recommended approval. The ordinance includes changes recently suggested by the St. Johns River State College Staff and will be transmitted to state agencies for review and will come back to the Commission for final adoption.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

Betsy Driggers

From: Thad Crowe
Sent: Thursday, March 01, 2012 10:01 AM
To: Betsy Driggers
Cc: Woody Boynton; Pam Sprouse
Subject: Fwd: Conf Call Airport Policies
Attachments: image001.jpg

See message below, we are good to go with agenda item. Snow everywhere up here!

Sent from my iPhone

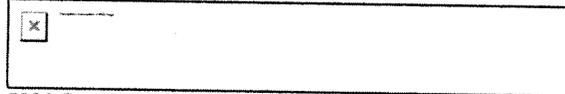
Begin forwarded message:

From: "Miller, Melissa" <MelissaMiller@sjrstate.edu>
Date: March 1, 2012 9:44:25 AM EST
To: 'Thad Crowe' <tcrowe@palatka-fl.gov>
Subject: RE: Conf Call Airport Policies

Thank you for adding the suggested language. I think it is as good as it can be so you can proceed with your agenda. Melissa

Melissa C. Miller

Executive Vice President/General Counsel



5001 St. Johns Avenue
Palatka, Florida 32177
386-312-4106, 386-312-4229 (fax)
www.sjrstate.edu

From: Thad Crowe [<mailto:tcrowe@palatka-fl.gov>]
Sent: Thursday, March 01, 2012 9:28 AM
To: Thad Crowe
Cc: Miller, Melissa
Subject: Re: Conf Call Airport Policies

Hi melissa did you have a chance to go over the policy? We are finalizing agenda. Thx, thad

Sent from my iPhone

On Feb 28, 2012, at 5:50 PM, "Thad Crowe" <tcrowe@palatka-fl.gov> wrote:

Cell is 227-0504

t

From: Miller, Melissa [<mailto:MelissaMiller@sjrstate.edu>]
Sent: Tuesday, February 28, 2012 3:56 PM
To: Thad Crowe
Subject: RE: Conf Call Airport Policies

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO AMEND POLICIES A.1.1.6 AND ADD NEW POLICIES A.1.1.6C, A.1.1.6D, AND A.1.1.6E, RELATING TO PROTECTION OF MUNICIPAL AIRPORT FROM INCOMPATIBLE USES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 163.3184, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, the Planning Board conducted a public hearing on February 7, 2012, and recommended approval of this amendment to the City Commission, and

WHEREAS, Section 163.3184(3)(b)1., Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinances and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3184(3)(b)2., Florida Statutes, as amended, provides that state agencies, in response to the City's transmittal, shall provide comments to the City of Palatka regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, the City Commission properly transmitted this amendment to state agencies and did not receive adverse comments from said agencies, and

WHEREAS, Section 163.3184(3)(c)1., Florida Statutes, as amended, provides that the City Commission shall hold a second public hearing to adopt the amendment within 180 days after receipt of agency comments,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Large Scale Amendment

That the following policies of the Future Land Use Element of the adopted Comprehensive Plan of the City of Palatka are hereby amended as shown below to provide for the following text changes providing for protection of the Municipal Airport.

Policy A.1.1.6 9J-5.006(3)(c)2

The City shall maintain standards and procedures in accordance with Chapter 333 F.S., "airport zoning" to ensure that incompatible land uses will be restricted from placement in accident and noise zones surrounding the airport. ~~The City shall maintain and regularly update the Kay Larkin Airport Master Plan (AMP) in accordance with s. 333.06, F.S.~~

Policies A.1.1.6a, b (no change)

Policy A.1.1.6c

The City shall not allow amendments that change the Future Land Use Map designation to Residential Medium and Residential High within the Residential Restricted Zone, as indicated by Map A-7 in the Future Land Use Map series. This shall not include the designation of lands with City land use categories comparable to existing County land use categories when such properties are annexed into the City.

Policy A.1.1.6d

The City shall not allow new primary or secondary educational facilities within the Educational Restricted Zone, as indicated by Map A-7 in the Future Land Use Map series, except for improvements and additions to existing facilities approved in a state college campus master plan as amended on an ongoing basis in the future, or aviation-related educational facilities.

Policy A.1.1.6e

The City shall maintain and regularly update the Kay Larkin Airport Master Plan (AMP) in accordance with s. 333.06, F.S. (formerly part of Policy A.1.1.6)

Section 3. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 5. Effective date

This Ordinance shall become effective thirty-one (31) days after notification by the state land planning agency notifies the City of Palatka that the plan amendment is complete, or if timely challenged when the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this ___ day of ____, 2012.

CITY OF PALATKA

By: _____
Its Mayor

ATTEST:

City Clerk

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Transmittal of Comprehensive Plan
Amendment adding Future Land Use
Element policies to protect municipal
airport from incompatible uses

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Planning Board Minutes
3. Planning Board Staff Report Excerpt

MEETING DATE: Feb. 23, 2012

ISSUE: Florida HB 2012, passed in 2009, mandated that all jurisdictions revise comprehensive plans by July of this year to protect airports from incompatible uses. Specifically, the FDOT created zones of restriction for residential and educational development. Staff has notified the Putnam County School District and the St. Johns River State College of the proposed policies. In simple terms, no new medium and high density land use amendments would be allowed in the residential restrictive zone, and no new schools allowed in the educational restrictive zone – except for colleges with state-approved campus master plans and aviation training facilities. More detail is provided in the attached staff report.

The Planning Board reviewed the item and recommended approval. The ordinance will be transmitted to state agencies for review and will come back to the Commission for final adoption.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

2/23/12

Tabled to 3/8/12



PALATKA PLANNING BOARD MINUTES - DRAFT
FEBRUARY 7, 2012

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Anthony Harwell, Daniel Sheffield, Joseph Petrucci and George DeLoach. **Members absent:** Kenneth Venables, Joe Pickens and Sharon Buck. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Chairman Stewart welcomed new Board member George DeLoach.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes as submitted for the January 3, 2012 meeting. All present voted affirmative, motion carried.

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

OLD BUSINESS

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

Mr. Crowe reminded Board members that this was tabled from the January meeting. It is required by the state that jurisdictions to revise their comprehensive plans by July, 2012 to include criteria to achieve compatibility of land uses near airports when a formal noise study has not been conducted for a public airport. He added that one of the unique problems we have is that the city is not that big, therefore some of the zones tend to include large areas. He advised that he consulted with County Planning, School District, and St. Johns River College staff, as well as the City's Airport Consultants to come up with ideas on this. He explained that the residential restriction zone is an area measured outward directly from runways that is one-half the distance of the longest runway. This area, when measured out from the main east-west runway and the secondary north-south runway, comprises a zone that includes much of the northwest part of the City. In the restricted residential zone the City would essentially commit to no new land use changes going to medium or high density categories. He explained that the educational facilities exclusion zone comprises an even larger area that includes most of the City north of St. Johns Avenue and the area between Moody Road and Zeagler Drive. Staff is recommending that new school facilities not be allowed in the restricted zone, but that existing schools would be able to expand and maintain facilities in their current locations. He noted that the College is exempted because it has a required state-approved master plan, and this separate process can address airport compatibility issues. He recommended approval of the proposed amendment as submitted in the staff report.

No one was present to speak for or against the amendment.

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

NEW BUSINESS

Case 12-02 Conditional Use request for expansion of existing church in single-family residential zoning district; and for excess grass parking spaces

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

STAFF REPORT

DATE: January 31, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would add new Future Land Use Element policies intended to protect the municipal airport from incompatible uses (tabled from January meeting). Public notice included legal advertisement.

APPLICATION BACKGROUND

Florida HB 1021 was passed in 2009, requiring that all jurisdictions revise comprehensive plans by July, 2012 to include criteria to achieve compatibility of land uses near airports. As noted in Statute 333.02:

“Airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of airports as enumerated in s. 333.03(2) are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities.”

Per Statute 333.03(2)(c) when a formal noise study has not been conducted for a public airport, residential construction and educational facilities (excluding aviation school facilities) are prohibited within a specified zone around airport runways.

The residential restriction zone is an area measured outward directly from runways that is one-half the distance of the longest runway. As Map A-7 indicates, this area when measured out from the main east-west runway and the secondary north-south runway comprises a zone that includes much of the northwest part of the City. Staff has discussed and researched the meaning of the exclusion of “new residential facilities” and believes this term to not refer to the development of residential property with existing development rights, but to the granting of increased densities to lands within this zone. This interpretation is based on the strong property rights legal basis found in the Statutes, including the “Bert Harris Act” which requires compensation to private property owners by local government when such a local government institutes actions that cause loss of fair market value. Based on these conclusions Staff recommends the inclusion of the following policy.

Policy A.1.1.6c

The City shall not allow amendments that change the Future Land Use Map designation to Residential Medium and Residential High within the Residential Restricted Zone, as indicated by Map A-7 in the Future Land Use

Map series. This shall not include the designation of lands with City land use categories comparable to existing County land use categories when such properties are annexed into the City.

The educational facilities exclusion zone comprises an even larger area that includes most of the City north of St. Johns Avenue and also the area between Moody Road and Zeagler Drive (shown on Map A-8). Statute 333.03(3) notes that the City can allow exceptions to this prohibition of new educational facilities in this zone on a case-by-case basis with the accompaniment of specific findings that public policy justifications for new construction outweigh health and safety concerns of this prohibition.

Staff has coordinated with County Planning staff, School District staff, St. Johns River College staff, and the City's Airport Consultants on this issue and is proposing the following policy for inclusion in the Comprehensive Plan's Future Land Use Element.

Policy A.1.1.6d

The City shall not allow new primary or secondary educational facilities within the Educational Restricted Zone, as indicated by Map A-8 in the Future Land Use Map series, except for improvements and additions to existing facilities, facilities approved in a state college campus master plan, or aviation-related educational facilities.

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 as there are other areas in the City where higher-density residential uses and educational uses can be located.

Furthermore, the amendment is in keeping with the following Objective and Policy of the Comprehensive Plan.

Objective A.1.1 9J-5.006(3)(b)1; F.S. 187.201(16)1, 5

Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services

Policy A.1.1.6 9J-5.006(3)(c)2

The City shall maintain standards and procedures in accordance with Chapter 333 F.S., "airport zoning" to ensure that incompatible land uses will be restricted from placement in accident and noise zones surrounding the airport. The City shall maintain and regularly update the Kay Larkin Airport Master Plan (AMP) in accordance with s. 333.06, F.S.

Finally, the amendment follows state statute as previously referenced.

STAFF RECOMMENDATION

Staff recommends the following revised and new policies.

Policy A.1.1.6 9J-5.006(3)(c)2

The City shall maintain standards and procedures in accordance with Chapter 333 F.S., "airport zoning" to ensure that incompatible land uses will be restricted from placement in accident and noise zones surrounding the airport. ~~The City shall maintain and regularly update the Kay Larkin Airport Master Plan (AMP) in accordance with s. 333.06, F.S.~~

Policies A.1.1.6a, b (no change)

Policy A.1.1.6c

The City shall not allow amendments that change the Future Land Use Map designation to Residential Medium and Residential High within the Residential Restricted Zone, as indicated by Map A-7 in the Future Land Use Map series. This shall not include the designation of lands with City land use categories comparable to existing County land use categories when such properties are annexed into the City.

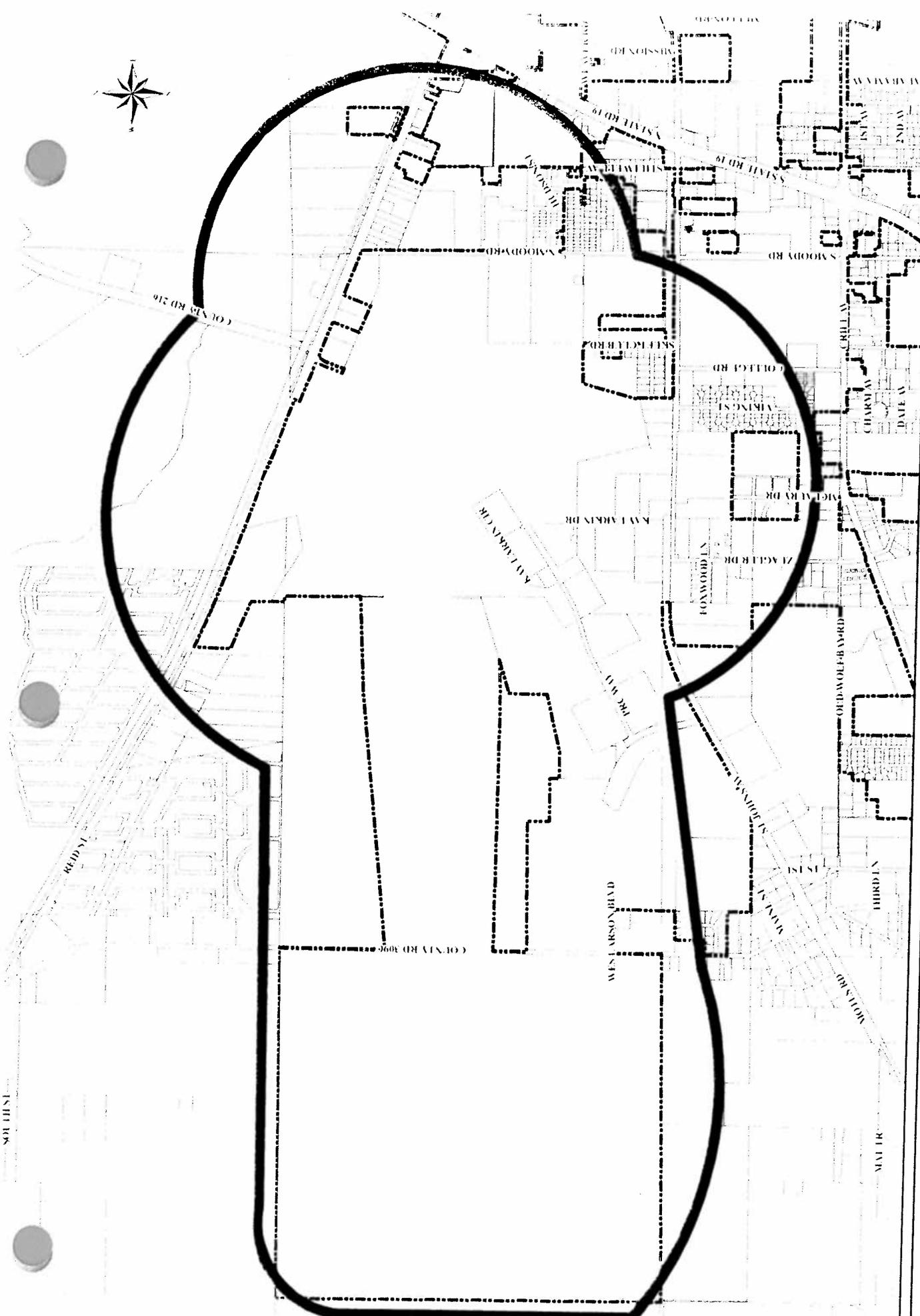
Policy A.1.1.6d

The City shall not allow new primary or secondary educational facilities within the Educational Restricted Zone, as indicated by Map A-7 in the Future Land Use Map series, except for improvements and additions to existing facilities, facilities approved in a state college campus master plan, or aviation-related educational facilities.

Policy A.1.1.6e

The City shall maintain and regularly update the Kay Larkin Airport Master Plan (AMP) in accordance with s. 333.06, F.S. (formerly part of Policy A.1.1.6)

ATTACHMENTS: MAP A-7 RESIDENTIAL RESTRICTION ZONE
MAP A-8 EDUCATIONAL RESTRICTION ZONE



**FIGURE A-7 2020 Comprehensive Plan
Future Land Use Element
Airport Residential Restriction Zone Map**

DISCLAIMER
This information is provided as a visual representation only and is not intended to be used as legal or official representation of legal boundaries. The City of Palatka assumes no responsibility associated with its use.



STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka, in said County and State; and that the attached order, notice, publication and/or advertisement of

Notice of Amendment to City of Palatka

Was published in said newspaper 1 time(s), said publication being made on the following date: 02/16/2012.

The Palatka Daily News has continuously published as a daily newspaper and has been entered as second class mail matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice, publication and/or advertisement.

Vicki Rafuse

Sworn to and subscribed before me this 02/16/2012
By Vicki Rafuse, Credit Manager of the Palatka Daily News,
A Florida corporation, on behalf of the corporation

Joyce Guthrie
Joyce Guthrie, Notary Public, State of Florida

Personally known to me, or
 Produced Identification:

did take an oath

Notary Seal:

**NOTICE OF AMENDMENT
TO CITY OF PALATKA
COMPREHENSIVE PLAN**

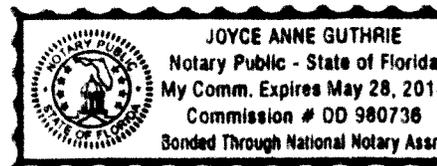
NOTICE is hereby given that the City Commission of the City of Palatka, Florida, will consider the transmittal of the following entitled draft Ordinance to State agencies for review:

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA REVISING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT BY ADDING POLICY A.1.1.6C ESTABLISHING RESIDENTIAL RESTRICTED ZONE AROUND AIRPORT, POLICY A.1.1.6D ESTABLISHING EDUCATIONAL RESTRICTED ZONE AROUND AIRPORT, AND POLICY 1.1.6E RETAINING EXISTING LANGUAGE REGARDING AIRPORT MASTER PLAN AND PROVIDING AN EFFECTIVE DATE.

This matter will be heard at its next regular meeting to be held at 6:00 p.m. on the 23rd day of February, 2012 at City Hall, 201 N. 2nd Street, Palatka, Florida. Said draft ordinance may be inspected by the public at City Hall during regular hours of business. All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the transmittal of this draft ordinance to state agencies for review. This notice is given in accordance with F.S. 166.041.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



*Agenda
Item*

5

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Repeal of Section 38, Floods Code, and adoption of new Floods Code to replace repealed code **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance

MEETING DATE: March 8, 2012

ISSUE: This is a staff-initiated Floods Code revision that is mandated by FEMA and the State, required for the City to continue to participate in the National Flood Insurance Program. The Florida Building Code, which the City adopts by reference, has been updated and all jurisdictions are required to amend their floods code to be consistent with the Building Code, which becomes effective as of March 15. The Planning Director and Building Official have reviewed the Floods Code, which is based on a model ordinance provided by FEMA that has been customized to the City's Municipal Code and procedures. While we will conduct a second thorough review prior to the first reading, we have not found substantive changes between the current and proposed Floods Codes.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Thad Crowe, AICP
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF PALATKA AMENDING THE PALATKA CODE OF ORDINANCES TO REPEAL SECTION 38; TO ADOPT A NEW SECTION 38; TO ESTABLISH CONSISTENCY WITH THE 2010 BUILDING CODE; TO ADOPT FLOOD HAZARD MAPS, TO DEVELOP RULES OF INTERPRETATION AND DEFINE TERMINOLOGY; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ESTABLISH VARIANCE PROCEDURES AND PENALTIES; AND TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 - Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Palatka and such areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Palatka participates in the National Flood Insurance Program and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* which provide for more stringent requirements than those specified in the Code; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments and proposed local administrative amendments to the 2010 *Florida Building Code* and that the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4)(a), Florida Statutes, where applicable, and the proposed amendments are in compliance with section 553.73(5), Florida Statutes, where applicable; and

WHEREAS, application has been made by the Building and Zoning Department, to the City for this repeal and replacement of the Floods Code of the City of Palatka, Florida; and

WHEREAS, all the necessary procedural steps have been accomplished, including two public hearings before the City Commission of the City of Palatka on March 8, 2012, and March 22, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

SECTION 1. That the portion of the City of Palatka Municipal Code designated as Chapter 38, Floods shall be repealed and replaced in its entirety by the attached Exhibit 1.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 22nd day of March, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

EXHIBIT 1: NEW FLOODS CODE (SECTION 38, MUNICIPAL CODE)
ARTICLE I. - ADMINISTRATION

DIVISION 1 - GENERAL

Section 38-1. - Title. These regulations shall be known as the *Floodplain Management Ordinance* of the City of Palatka, hereinafter referred to as "this ordinance."

Section 38-2. - Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of structures that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Section 38-3. - Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the

Title 44 Code of Federal Regulations, Section 59.22.

Section 38-4. - Coordination with the *Florida Building Code*.

Pursuant to the requirement established in state statute that local communities administer and enforce the *Florida Building Code*, the Palatka City Commission does hereby acknowledge that the *Florida Building Code* contains certain provisions that apply to the design and construction of structures in flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where section numbers of the *Florida Building Code* are cited, the section numbers refer to the 2010 *Florida Building Code*. If cited section numbers are changed in subsequent editions of the code, then the section numbers shall refer to comparable sections. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

Section 38-5. - Disclaimer. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Palatka City Commission or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sections 38-6 - 38-16. - Reserved

DIVISION 2. - APPLICABILITY

Section 38-17. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, requirements of this ordinance conflict with the requirements of the *Florida Building Code*, the most restrictive shall govern.

Section 38-34. Geographical applicability. This ordinance shall apply to all flood hazard areas within the City of Palatka.

Section 38-19. Basis for establishing flood hazard areas. The Flood Insurance Study for Putnam County, Florida dated February

2, 2012, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Palatka Building and Zoning Department office, 205 North Second Street, Palatka, Florida.

Section 38-20. Additional data required to verify flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Section 38-21. Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of state or federal law.

Section 38-22. Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including land development regulations, zoning ordinances, stormwater management regulations, and the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

Section 38-23. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted

under state statutes.

Sections 38-24 - 38-34. Reserved

DIVISION 3. - DEFINITIONS

Section 35. - Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Section 36. - Terms defined elsewhere. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code. If such terms are not defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in the Municipal Code.

Section 37. - Terms not defined. Where terms are not defined in this ordinance, the *Florida Building Code*, or the Municipal Code, such terms shall have ordinarily accepted meanings such as the context implies.

Section 38. - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator or Building Official's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official. The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

Building permit. An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the *Florida Building Code*.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The advancement or infringement of fill,

excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any structures for which the "start of construction" commenced before October 28, 2010. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 28, 2010.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager). The Planning Director shall assume the responsibilities of this position.

Floodplain development permit. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its

intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of

this ordinance and the building code, structures for which the "start of construction" commenced on or after October 28, 2010 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 28, 2010.

Nonresidential. Any building or structure or portion thereof that is not classified residential in accordance with the *Florida Building Code, Building* (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the City of Palatka or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance of a building permit. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to this ordinance.

Variance. A grant of relief from the requirements of this ordinance, or the flood load and flood resistant construction requirements of the *Florida Building Code*, which permits

construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Sections 39 - 49. - Reserved.

DIVISION 4. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Section 38-50. - Designation and responsibilities. The Planning Director is designated as the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to this ordinance.

Section 38-51. - Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Review applications to determine whether all necessary permits and approvals have been obtained from any federal, state, or local agencies from which prior or concurrent

approval is required, including but not limited to the following:

- a. The St. Johns River Water Management District; section 373.036, F.S.
 - b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - c. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
8. Issue floodplain development permits for development other than structures that are subject to the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 9. Coordinate with and provide comments to the Building Official to assure that applications for building permits for structures in flood hazard areas comply with the requirements of this ordinance.

Section 38-52. - Determinations for existing structures. For applications for building permits to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the *Florida Building Code* and this ordinance is required.

Section 38-53. - Modification of strict building code application. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to this ordinance.

Section 38-54. - Coordination of Notices and orders. The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with this ordinance and the flood resistant construction requirements of the *Florida Building Code*.

Section 38-55. - Inspections. The Floodplain Administrator shall make the required inspections as specified in this ordinance for development that is not subject to the *Florida Building Code*. For structures subject to the *Florida Building Code*, the Building Official shall make the required inspections of structures specified in this ordinance and *Florida Building Code, Building Section 110*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Section 38-56. - Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida*

- Building Code* and this ordinance to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Palatka are modified; and

Section 38-57. - Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Building and Zoning Department, 205 North Second Street, Palatka, Florida.

Sections 58-68. - Reserved.

DIVISION 5. - PERMITS

Section 38-69. - Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s). No such permit shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Section 38-70. - Floodplain development permits. Floodplain development permits shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*. Depending on the nature and extent of

proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit is required in addition to a building permit.

Section 65-71. - Structures exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for the National Flood Insurance Program (44 C.F.R. Section 60.3), floodplain development permits shall be required for the following structures that are exempt from the *Florida Building Code, Building Section 102.2* and any further exemptions provided by law, are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

Section 65-72. - Application for permit. To obtain a floodplain development permit the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed

development is intended.

4. Be accompanied by a site plan or construction documents as specified in this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

Section 65-73. - Validity of permit. The issuance of a floodplain development permit pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Section 65-74. - Expiration. A floodplain development permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Section 65-75. - Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

Sections 76-86. Reserved.

DIVISION 6. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Section 87. - Required plan and document information. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s).
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with this ordinance.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

Section 88. - Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source; or
2. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
3. Where base flood elevation data are not available from another source, assume the base flood elevation is not less than two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it

shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Section 89. - Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in this ordinance.

Section 90. - Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and

to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sections 91-101. - Reserved.

DIVISION 7. - INSPECTIONS

Section 102. - General. Development for which a permit is required shall be subject to inspection.

Section 103. - Development other than structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits.

Section 104. - Structures. The Building Official shall inspect structures subject to the *Florida Building Code* to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the *Florida Building Code*. The Building Official shall inspect structures exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Building Official:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

As part of the final inspection, the owner or owner's authorized agent shall submit to the Building Official a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in this ordinance.

Section 106. - Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in

flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

Sections 107-117. - Reserved.

DIVISION 8. - VARIANCES AND APPEALS

Section 118. - General. Pursuant to section 553.73(5), F.S., the Zoning Board of Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the requirements of this ordinance and the flood resistant construction requirements of the *Florida Building Code*.

Section 119. - Appeals. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or the Building Official in the administration and enforcement of this ordinance or the flood load and flood resistant construction requirements of the *Florida Building Code*. Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Section 120. - Limitations on authority to grant variances. The Zoning Board of Appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in this ordinance, the conditions of issuance set forth in this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Zoning Board of Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Section 121. - Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in this ordinance.

Section 122. - Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or

rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

Section 123. - Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of this ordinance, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Section 124. - Variance criteria. In reviewing requests for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Section 125. - Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render any provision of this ordinance or the elevation standards of the *Florida Building Code* inappropriate;
2. Determination by the Zoning Board of Appeals that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the elevation required by the *Florida Building Code* or required by this ordinance, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sections 126-136. - Reserved.

DIVISION 9. - VIOLATIONS

Section 137. - Violations. Any construction or development in a flood hazard area that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance or the *Florida Building Code*, as applicable, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

Section 138. - Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Section 139. - Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as provided in chapter 1, section 1-10 of the Municipal Code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Sections 140-150. - Reserved.

ARTICLE II. - FLOOD RESISTANT DEVELOPMENT STANDARDS

DIVISION 1. - SUBDIVISIONS

Section 151. - Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood

hazards.

Section 152. - Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the information required in this ordinance; and
3. Compliance with the site improvement and utilities requirements of this ordinance.

Section 153-163. - Reserved.

DIVISION 2. - SITE IMPROVEMENTS

Section 164. - Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

Section 165. - Design and construction of structures exempt from the Florida Building Code. Pursuant to this ordinance, structures that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such structures shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of this ordinance.

Section 166. - Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters,

and impairment of the facilities and systems.

Section 167. - Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Section 168. - Limitations on sites in regulatory floodways. Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway unless the floodway encroachment analysis required in this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Section 169. - Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support structures, fill shall comply with the requirements of the *Florida Building Code*.

Sections 170-180. - Reserved.

DIVISION 3. - MANUFACTURED HOMES

Section 181. - General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. Manufactured homes that are placed, replaced, or substantially improved shall comply with this ordinance, as applicable.

Section 182. - Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. Are designed in accordance the foundation requirements of the *Florida Building Code*, *Residential Section R322.2* and this ordinance.
2. In floodways, are designed in accordance with ASCE 24.

Section 183. - Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely

anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Section 184. - General elevation requirement. Unless subject to the requirements of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A)*.

Section 185. - Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A)*; or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 186. - Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322* for such enclosed areas, as applicable to the flood hazard area.

Section 187. - Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*, as applicable to the flood hazard area.

Sections 188-198. - Reserved.

DIVISION 4. - RECREATIONAL VEHICLES AND PARK TRAILERS

Section 199. - Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 200. - Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in this ordinance for temporary placement shall meet the requirements of this ordinance for manufactured homes.

Sections 201-211. - Reserved.

DIVISION 5. - TANKS

Section 212. - Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Section 213. - Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of this ordinance shall be permitted provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

Section 214. - Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Section 215. - Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sections 216-226. - Reserved.

DIVISION 6. - OTHER DEVELOPMENT

Section 227. - General requirements. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Section 228. - Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of this ordinance.

Section 229. - Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of this ordinance.

Section 230. - Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall

meet the limitations of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of this ordinance.

Sections 231-241. - Reserved.

*Agenda
Item*

6

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code to allow for colleges and ancillary uses in the PBG-1 zoning district **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
 2. Planning Board minutes excerpt
 3. Planning Board staff report

MEETING DATE: Feb. 23, 2012

ISSUE: This is an administrative request amending the Zoning Code, with a recommendation of approval from the Planning Board. There is a similar/companion comprehensive plan amendment that would allow this use in the PB land use category.

This change would allow for colleges and associated ancillary uses such as student residences, administrative offices, and sports facilities in the PBG-1 zoning category.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

*passed at 1st reading
2-23-12*

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA AMENDING ZONING
CODE SECTION 94-153 TO ALLOW
COLLEGES IN THE PUBLIC BUILDINGS
AND GROUNDS ZONING CATEGORY,
PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendment to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 7, 2012, and two public hearings before the City Commission of the City of Palatka on February 23, 2012, and March 8, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. Zoning Code Section 94-153 shall be amended as follows.

Sec. 94-153. - PBG-1 public buildings and grounds district.

(a) Intent. The PBG-1 district includes public use and/or public service activities. Facilities within this district may be publicly or privately owned. The PBG-1 district should have easy access to a roadway classified as a collector or arterial facility.

(b) Permitted principal uses and structures. Permitted principal uses and structures in the PBG-1 district are as follows:

(1) Public buildings serving the city, county,

state or federal government, museums, schools, hospitals, libraries and community centers.

(2) Churches, including rectories or similar uses.

(3) Nursing homes.

(4) Colleges and ancillary uses including student residences, administrative offices, and sports facilities.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 8th day of March, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes - ***DRAFT***

February 7, 2012

Mr. Crowe advised that this requirement was problematic and unnecessary – it was not appropriate for applicants to confer with the Planning Board at such an early stage, but preferred for coordination between the applicants and staff to occur. No one was present to speak for or against the amendment.

Motion made by Mr. Wallace and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-05 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to eliminate the requirement that Planned Unit Development overlays require a land use amendment and that nonresidential components of PUDs serve PUD residents.

Mr. Crowe advised that this plan amendment is a companion to the Zoning Code change the Board just approved, it eliminates the requirement that a land use amendment accompany a PUD rezoning and that PUDs must be a mixed use. He recommended removing the language. No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to revise the Code per staff recommendations. All present voted affirmative, motion carried.

Case 12-06 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to allow for colleges and universities in the Public Buildings and Grounds (PB) land use category.

Mr. Crowe advised that the next two requests are companion housekeeping amendments to the Comprehensive Plan and the Zoning Code that would allow colleges and universities in the PB land use category and the PBG-1 zoning category. This will make the college conforming. No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-07 Administrative request to revise Zoning Code Sec. 94-153 to allow colleges and universities including associated student residences, administrative uses, sports facilities, and other ancillary uses associated with the principle use in the PBG-1 (Public Buildings and Grounds) zoning district.

No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendations for cases 12-06 and Case 12-07. All present voted affirmative, motion carried.

Case 12-08 Historic Preservation Board request to revise Sec. 94-187 to clarify standards for fences and to require a permit for the installation of a fence.

Case 12-07
Request to Amend Zoning Code
(Allowing Colleges & Ancillary Uses in PBF-1 Zoning District)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: January 31, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Administrative request to revise Sec. 94-153 to allow colleges and universities including associated student residences, administrative uses, sports facilities, and other ancillary uses to the PBG-1 zoning district. Public notice consisted of newspaper advertisement.

APPLICATION BACKGROUND

The Zoning Code excerpt describing the PBG-1 zoning district is below.

Sec. 94-153. - PBG-1 public buildings and grounds district.

(a) Intent. The PBG-1 district includes public use and/or public service activities. Facilities within this district may be publicly or privately owned. The PBG-1 district should have easy access to a roadway classified as a collector or arterial facility.

(b) Permitted principal uses and structures. Permitted principal uses and structures in the PBG-1 district are as follows:

(1) Public buildings serving the city, county, state or federal government, museums, schools, hospitals, libraries and community centers.

(2) Churches, including rectories or similar uses.

(3) Nursing homes.

One of Staff's concerns lies with the omission of colleges from this category. The Zoning Code identifies "schools" and "colleges" as separate uses. Public schools are different than colleges in terms of functionality and character. To clear up any confusion, Staff believes it is prudent to add colleges and their ancillary uses to this zoning category, with the understanding that this is an appropriate addition to this zoning category due to its clear public identity. Staff recommends the addition of the text below:

"colleges and ancillary uses including student residences, administrative offices, and sports facilities."

Please note that there is a companion Future Land Use amendment which would specifically allow for the above use in the PB FLUM category.

APPLICATION ANALYSIS

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

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

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

Staff Comment: The change does not conflict with the Comprehensive Plan and echoes the companion amendment adding the college use to the PB FLUM category.

b. The existing land use pattern.

Staff Comment: This change clarifies that existing college uses are allowed in the PBG-1 zoning district.

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

Staff Comment: Not applicable, as this is not a zoning map change.

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

Staff Comment: Not applicable.

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

Staff Comment: Not applicable as this is not a zoning map change.

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

Staff Comment: There are no changed conditions related to this amendment.

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

Staff Comment: No adverse impacts anticipated due to this amendment.

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

Staff Comment: Not applicable.

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

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

The above criteria are not applicable.

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

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

See response to g. above.

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

This change does not constitute a grant of special privilege, but adds a use that is appropriate for this zoning category.

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

Not applicable.

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

See response to g. above.

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

q. *The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

The above criteria are not applicable.

STAFF RECOMMENDATION

This proposed Zoning Code text amendment is in keeping with applicable criteria. Staff recommends adding the following use to the PBG-1 zoning category:

(4) colleges and ancillary uses including student residences, administrative offices, and sports facilities.

*Agenda
Item*

7

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Planned Unit Development standards **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
 2. Planning Board minutes excerpt
 3. Planning Board staff report

MEETING DATE: Feb. 23, 2012

ISSUE: This is Zoning Code revision requested by the Planning Board and Staff, with a recommendation of approval from the Planning Board. The Board requested that Staff provide information pertaining to rezoning density and intensity thresholds beyond which a Planned Unit Development (PUD) overlay would be required. While reviewing the PUD standards Staff found that there were a number of problematic elements that called for revisions, as listed below.

1. PUD nonresidential component can only serve residents of PUD (recommend elimination)
2. PUD rezoning must be accompanied by Comprehensive Plan amendment that allows the PUD (recommend elimination).
3. No requirement that rezonings seeking higher density and intensity seek PUD designation (provide density and intensity thresholds, above which a PUD shall be required).
4. Minimum PUD size of two acres (recommend elimination or reduction).
5. Undergrounded utilities are required for all PUDs (recommend applying only to new construction).
6. PUDs are "floating" districts, not tied to a zoning district (recommend linking PUDs with a base zoning district).
7. PUD applicants must confer with Planning Board prior to application (recommend preapplication only required with Staff).

Due to some unresolved questions that came out during the Planning Board meeting, staff pulled # 6 above from consideration and will do further research before bringing this issue back before the Board. The other elements above are included with the attached ordinance.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. . -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING AMENDING SECTION 94-113 TO PROVIDE REZONING INTENSITY AND DENSITY THRESHOLDS THAT WOULD REQUIRE THE USE OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAYS; AMEND SECTION 94-157 AND 94-232 TO ELIMINATE THE REQUIREMENT THAT NONRESIDENTIAL USES WITHIN PLANNED UNIT DEVELOPMENT (PUD) SERVE ONLY RESIDENTS OF THAT PUD; AMEND SECTION 94-157 TO ELIMINATE REQUIRED AMENDMENT TO COMPREHENSIVE PLAN FOR PUDS; AMEND SECTION 94-233 TO REDUCE THE MINIMUM PUD SIZE OF TWO ACRES; AMEND SECTION 94-233 TO LIMIT REQUIREMENT FOR UNDERGROUNDING UTILITIES ONLY TO NEW DEVELOPMENT; AND AMEND SECTION 94-235 TO ELIMINATE REQUIREMENT THAT PUD APPLICANTS CONFER WITH THE PLANNING BOARD PRIOR TO APPLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 7, 2012, and two public hearings before the City Commission of the City of Palatka on February 23, 2012, and March 8, 2012; and

WHEREAS, the City Commission of the City of Palatka has

determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. Zoning Code Section 94 shall be amended as follows.

SECTION 94-113. - *Applicability of district regulations.*

The regulations set by this chapter within each district shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure, use, or land or water. Except as provided in this chapter:

- (1) *Use.* No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified in this chapter for the district in which it is located.
- (2) *Height of structures, population density, lot coverage, yards and open spaces.* No structure shall hereafter be erected or altered:
 - a. To exceed height or bulk limitations provided in this chapter;
 - b. To provide a greater number of dwelling units or less lot area per dwelling unit than as permitted or required in this chapter;
 - c. To provide less lot area per dwelling unit or to occupy a smaller lot than as permitted or required in this chapter;
 - d. To occupy a greater percentage of lot area, or to provide narrower or smaller yards, courts or other open spaces, or lesser separation between buildings or structures or portions of buildings or structures, than required in this chapter; or
 - e. In any other manner contrary to the provisions of this chapter.
- (3) *Multiple use of required open space.* No part of a required yard or other required open space, or off-street parking or off-street loading space, provided in connection with

one structure or use shall be included as meeting the requirements for any other structure or use, except where specific provision is made in this chapter.

- (4) *Reduction of lot area.* No lot, combination of contiguous lots in common ownership, or yard, existing at the effective date of the ordinance from which this chapter is derived shall hereafter be reduced in dimension or area below the minimum requirements set forth in this chapter, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase and the like. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (5) *Limitation on number of principal buildings on lots in residential areas.* Except as provided in this chapter, only one principal residential building, except for multifamily buildings and cluster developments, may hereafter be erected on any lot.
- (6) *Continuity of zoning of annexed property.* Where property is annexed to the city subsequent to the effective date of the ordinance from which this chapter is derived, such property shall continue to hold the zoning classification placed on it by the county; and the regulations applicable to it under the zoning regulation of the county shall be administered and enforced by the city until such time as the property has been reclassified in accordance with general law.
- (7) *Planned Unit Development Overlay Threshold.* Any proposed nonresidential development exceeding 20,000 square feet or residential development with project density exceeding five units per acre or residential development with more than five units shall be required to utilize a Planned Unit Development overlay.

SECTION 94-157. - *PUD planned unit development district.*

- (a) *Generally.* See article IV of this chapter for planned unit development regulations.

- (b) *Application of PUD overlay.* The PUD district may be applied as an ~~optional~~ overlay district over any underlying land use. ~~Use of the PUD overlay will require a land use amendment to the comprehensive plan in accordance with F.S. § 163.3187.~~
- (c) *Design standards.* Design standards for PUD districts are as follows.
- (1) References to residential, commercial, industrial and recreational land uses in the PUD shall carry the same density/intensity of use as provided for in individually designated districts.
 - (2) The PUD may contain a mixture of residential, commercial, industrial and recreational land uses so long as these uses are made compatible through spatial, landscaping or structural buffering techniques.
 - ~~(3) Commercial and recreational land uses within a PUD shall be planned at a level no greater than that required to support the commercial and recreational needs of the residents of the PUD.~~

SECTION 94-232. - Permitted uses.

The uses permitted within a planned unit development shall be ~~primarily residential in character, and~~ include the following:

- (1) Single-family detached dwellings.
- (2) Single-family attached dwellings.
- (3) Townhouses.
- (4) Multifamily dwellings, including high-rise apartment buildings.
- (5) Churches, schools, community or club buildings, and similar public or semipublic facilities.
- (6) Commercial or retail and industrial uses, ~~including offices and clinics,~~ provided that they meet the following criteria:
 - a. ~~The~~ location is appropriate in relation to other land uses, and.
 - b. ~~The proposed commercial or office uses are primarily for the purpose of serving the needs of the residents of the planned unit development or reflect the need for commercial and/or office needs according to the city's comprehensive plan.~~

SECTION 94-233. - *Development standards.*

- (a) ~~Minimum area~~ Unity. A parcel which is proposed for a planned unit development shall ~~not be less~~

~~than two acres in size; however, all parcels intended for development as a planned unit development shall be in single ownership or control.~~

- (b) - (e) no changes
- (f) *Underground utilities.* Within a planned unit development, all utilities, including telephone, television cable and electrical systems shall be installed underground, applicable only for new construction. Appurtenances to these systems which require aboveground installation must be effectively screened, and thereby may be excepted from this requirement. Primary facilities providing service to the site of the planned unit development may be excepted.

SECTION 94-234: no changes

SECTION 94-235. - *Review and approval procedures.*

- (a) *Pre-application conferences.* Prior to filing of a formal application for a planned unit development, the applicant is required to confer with the ~~planning board~~ Planning Director in order to review the general character of the plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs.
- (b) *Development plan.*
 - (1) *Filing.* An applicant shall file a petition with the ~~planning board~~ Building and Zoning Department for the approval of planned unit development in accordance with the requirements of section 94-3. This application shall be supported by a development plan and a written summary of intent and shall show the relation between the proposed development and the surrounding area, both existing and proposed. This supportive material shall be submitted to the planning board for review.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the

Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 8th day of March, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

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the proposed building materials are generally in accordance with the use of brick, concrete block, and metal roofing that is already used for the current building, there should not be an issue.

Discussion ensued regarding design and compatibility.

Mr. Stokes explained that this will be a concrete block building with a brick exterior and a metal hip roof with four sides, and the building will be architecturally compatible with the existing building. The lighting and landscaping will meet code requirements and that it will be a dramatic improvement to Moseley Avenue.

An audience member (name unknown) asked if there were any drawings showing the proposed development. Mr. Crowe provided a site plan to the person.

Motion was made by Mr. Harwell and seconded by George DeLoach to approve the request as submitted, subject to staff recommendations. All present voted affirmative, except for Mr. Sheffield who abstained, motion carried.

Case 12-03 Request to revise Sec. 94-114 to allow for process for re-establishing a legal nonconforming use.
Applicant: Herman and Pamela Roberts

Mr. Crowe explained that this request began with the applicants' attempts to re-establish the non-conforming use of a longstanding takeout establishment on Washington St. that had been operating for decades. In 2009 the operation ceased to exist. The current code prohibits allowing the use to operate again because once a non-conforming use ceases for six months, it cannot be re-established. In an effort to work with the applicant, he researched other jurisdictions for possible ways to re-establish a non-conforming use and found that a few jurisdictions provide for this type of action. He recommended approval of the proposed code amendment to allow for the re-establishment of nonconforming uses, in unusual cases where nonconforming uses are grounded in the community due to historical precedent and community. Should such uses cease to operate, applicants could petition for re-establishment within 36 months of the date the use ceased to function. Consideration of such requests would be through the Conditional Use process.

Mr. Crowe reminded the Board that it was important to separate this first step of creating a mechanism to re-establish nonconforming uses from the second step of actually applying for the re-establishment of specific uses.

The Applicant, Mr. Herman Roberts, was present but did not address the Board. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Harwell to approve the amendment as submitted by staff. All present voted affirmative, motion carried.

Case 12-04 Planning Board and Administrative request to revise Section 94-113 to provide rezoning intensity and density thresholds that would require the use of Planned Unit Development (PUD) overlays; revise Sec. 94-157 and 94-232 to eliminate the requirement that nonresidential uses within Planned Unit Development (PUD) serve only residents of that PUD; revise Sec. 94-157 to eliminate required amendment to Comprehensive Plan for PUDs; revise Sec. 94-233 to reduce the minimum PUD size of two acres; revise Sec. 94-233 to limit requirement for undergrounding

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utilities only to new development; revise Sec. 94-233 to link PUDs with a base zoning district; and revise Sec. 94-235 to eliminate requirement that PUD applicants confer with the Planning Board prior to application.

Mr. Crowe reminded the Board that these amendments were initiated by members at their last meeting. When Staff reviewed the PUD standards as requested there were a number of problematic elements that were flagged, all of which are part of this amendment package. He suggested the Board may want to vote on each item separately for discussion purposes.

1. Eliminate requirement that PUD nonresidential component only serve residents of PUD.

Mr. Crowe noted that this requirement prohibited standalone commercial or industrial PUDs, and he believed that the City needed the ability to consider such applications. Board members briefly discussed the amendment and agreed that this change was needed. No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to approve item no. 1 as submitted. All present voted affirmative, motion carried.

2. Eliminate requirement that PUD rezoning be accompanied by Comprehensive Plan amendment that allows the PUD.

Mr. Crowe explained that it did not make sense to tie a rezoning to a comprehensive plan amendment and that the statutes did not require such an action. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Sheffield to approve item no. 2 as submitted by staff. All present voted affirmative, motion carried.

3. Provide density and intensity thresholds, above which a PUD shall be required.

Mr. Crowe reminded the Board that they had requested at the last meeting that Staff come back with suggestions for thresholds above which a PUD would be required. He said that while it was unusual for jurisdictions to have such thresholds, he did find that Jacksonville Beach required all commercial rezonings with more than 50,000 square feet of building area and almost all development in northwest St. Johns County must come in as PUDs. He said that the Board was correct in believing that requiring PUDs for more intense and dense development would provide safeguards for the City and ensure higher quality development. In response to a question from Mr. Holmes, Mr. Crowe noted that the difference between a PUD and a regular rezoning was that a PUD required a scaled site plan and a justification, which usually makes applicants put more thought and care into their proposed development.

The Board discussed appropriate thresholds, and Mr. Wallace noted that Staff's thresholds looked to him to be high. He cited the example of a development with five homes that could have been a much better development with the use of a PUD. No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach to approve item no. 3 as recommended by staff. With no second the motion failed.

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After discussion, it was the general consensus of the Board that lower thresholds were in order.

Motion made by Mr. Wallace and seconded by Mr. Sheffield to approve the following rezoning thresholds that would require use of a PUD: 5 units, 5 units per acre, and 20,000 square feet.

Mr. Wallace stated that this gives the City a tool and an opportunity for better quality developments. Mr. Crowe agreed and stated that it allows the City to be able to put protections and assurances in place to protect property values and the quality of life. All present voted affirmative, motion carried.

4. Reduce minimum PUD size of two acres.

Mr. Crowe reminded the Board that Board members had brought this up at the last meeting as a potentially positive action. He said that he had presented this as a reduction of the minimum PUD size, but the minimum size could also just be eliminated. Sometimes the small sites were the best candidates for PUDs due to the greater likelihood of impacts on surrounding properties and the need to carefully craft PUD design criteria. Board members agreed that no minimum size should be required. No one was present to speak for or against the amendment.

Motion made by Mr. Wallace and seconded by Mr. Harwell to reduce the minimum PUD size to zero acres. All present voted affirmative, motion carried.

5. Apply current requirement of undergrounded utilities only to new development.

Mr. Crowe said that this requirement would create a burden for redevelopment and adaptive reuse projects that used the PUD process. It was much more expensive to retrofit an existing site for undergrounding than it was to underground utilities in new development. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Sheffield to approve as submitted item no. 5. All present voted affirmative, motion carried.

6. Link PUDs with a base zoning district.

Mr. Crowe noted that this change would provide a basis for a development to start with, instead of the current free-floating PUD structure now in the Code. PUDs would be tied to a zoning district – for example R-3, or C-2 – and would then request specific deviations from that district whether that be differing lot dimensions, allowable uses, etc. He said that it was good for citizens to be able to look at a zoning map and not just see a PUD, but a “PUD-R-3” or “PUD-C-2” – something that gives them an idea of what is allowed. Mr. Holmes expressed concern that tying PUDs to zoning categories would misrepresent such PUDs if they substantially deviated from the base zoning districts. After discussion, Mr. Crowe suggested that this portion of the request be tabled to allow for him to confer with the City Attorney on this issue.

Item tabled per Board consensus.

7. Eliminate requirement that PUD applicants confer with Planning Board prior to application.

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Mr. Crowe advised that this requirement was problematic and unnecessary – it was not appropriate for applicants to confer with the Planning Board at such an early stage, but preferred for coordination between the applicants and staff to occur. No one was present to speak for or against the amendment.

Motion made by Mr. Wallace and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-05 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to eliminate the requirement that Planned Unit Development overlays require a land use amendment and that nonresidential components of PUDs serve PUD residents.

Mr. Crowe advised that this plan amendment is a companion to the Zoning Code change the Board just approved, it eliminates the requirement that a land use amendment accompany a PUD rezoning and that PUDs must be a mixed use. He recommended removing the language. No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to revise the Code per staff recommendations. All present voted affirmative, motion carried.

Case 12-06 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to allow for colleges and universities in the Public Buildings and Grounds (PB) land use category.

Mr. Crowe advised that the next two requests are companion housekeeping amendments to the Comprehensive Plan and the Zoning Code that would allow colleges and universities in the PB land use category and the PBG-1 zoning category. This will make the college conforming. No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-07 Administrative request to revise Sec. 94-153 to allow colleges and universities including associated student residences, administrative uses, sports facilities, and other ancillary uses associated with the principle use.

No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendations for cases 12-06 and Case 12-07. All present voted affirmative, motion carried.

Case 12-08 Historic Preservation Board request to revise Sec. 94-187 to clarify standards for fences and to require a permit for the installation of a fence.

Mr. Crowe advised that this case was requested by the Historic Preservation Board. He stated that fences do not require permits in the City, and that it was the Historic Preservation Board's hope that requiring a fence permit

Case 12-04
Request to Amend Zoning Code
(Revisions to Planned Unit Development Standards)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: January 31, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To amend various Planned Unit Development standards pertaining to use, process, thresholds, size, and infrastructure. Public notice consisted of newspaper advertisement.

APPLICATION BACKGROUND

This is a change that was requested by the Planning Board at their January 3, 2012 meeting. The Board by consensus stated concern with potential higher density and intensity projects utilizing conventional zoning categories, and requested that Staff bring back an ordinance change with thresholds that would trigger a requirement for Planned Unit Development (PUD) zoning. The reasoning behind this was that such projects impacted neighborhoods substantively and that the site-specific standards of a PUD mitigate such impacts. When Staff reviewed the standards pertaining to PUDs a number of additional problematic elements were found for which proposed revisions are also provided in this report. Please note there is a companion land use amendment that echoes # 1 and 2 below. The PUD changes are summarized below, with specific analysis of each change following.

1. Eliminate requirement that PUD nonresidential component only serve residents of PUD.
2. Eliminate requirement that PUD rezoning be accompanied by Comprehensive Plan amendment that allows the PUD.
3. Provide density and intensity thresholds, above which a PUD shall be required.
4. Reduce minimum PUD size of two acres.
5. Apply current requirement of undergrounded utilities only to new development.
6. Link PUDs with a base zoning district.
7. Eliminate requirement that PUD applicants confer with Planning Board prior to application.

1. **Eliminate requirement that PUD nonresidential component only serve residents of PUD.**

Section 94-232 requires that PUD uses by “primarily residential in character” and allows commercial or retail uses only for the purpose of serving the needs of PUD residents. Section 94-157 restates this by requiring that “commercial and recreational land uses within a PUD shall be planned at a level no greater than that required to support the commercial and recreational needs of the residents of the PUD.” This language effectively prohibits a commercial or any other nonresidential PUD unless such uses are subordinate to the principal residential use. Staff believes there is an advantage in allowing straight nonresidential PUDs, particularly when project impacts call for the use of site-specific development standards. The following changes to current Zoning Code text (*italicized*) would allow nonresidential PUDs while still allowing mixed-use PUDs.

Section 94-157 Design standards. Design standards for PUD districts are as follows:

- (1) References to residential, commercial, industrial and recreational land uses in the PUD shall carry the same density/intensity of use as provided for in individually designated districts.*
- (2) The PUD may contain a mixture of residential, commercial, industrial and recreational land uses so long as these uses are made compatible through spatial, landscaping or structural buffering techniques.*
- ~~*(3) Commercial and recreational land uses within a PUD shall be planned at a level no greater than that required to support the commercial and recreational needs of the residents of the PUD.*~~

Section 94-232. – Permitted uses.

The uses permitted within a planned unit development shall ~~be primarily residential in character, and~~ include the following:

- (1) Single-family detached dwellings.*
- (2) Single-family attached dwellings.*
- (3) Townhouses.*
- (4) Multifamily dwellings, including high-rise apartment buildings.*
- (5) Churches, schools, community or club buildings, and similar public or semipublic facilities.*
- (6) Commercial or retail and industrial uses, ~~including offices and clinics~~, provided that they meet the following criteria:
 - ~~*a. The location is appropriate in relation to other land uses; and*~~
 - ~~*b. The proposed commercial or office uses are primarily for the purpose of serving the needs of the residents of the planned unit development or reflect the need for commercial and/or office needs according to the city's comprehensive plan.*~~*

-
- 2. Eliminate requirement that PUD rezoning be accompanied by Comprehensive Plan amendment that allows the PUD.**
 - 6. Link PUDs with a base zoning district.**

Section 94-157 includes an odd requirement that a PUD rezoning be accompanied by a land use amendment to the Comprehensive Plan in accordance with Florida Statutes. In actuality the statutes include no such requirement – a PUD is purely a zoning amendment and should not involve a comprehensive plan change. The Comprehensive Plan is a broad vision statement and should not be cluttered with specific elements like PUDs. At the same time a PUD should not be a free-form creation, but should be linked to a specific zoning district and to the City's development standards in general, with deviations from such standards along with additional development standards overlaying that district. The changes below accomplish these purposes.

Section 94-157. – PUD planned unit development district.

- (a) Generally. See article IV of this chapter for planned unit development regulations.*
- (b) Application of PUD overlay. The PUD district may be applied as an optional overlay district over any underlying conventional zoning district, except that this zoning district and the development regulations contained within the Municipal Code will be the base regulations for*

~~the PUD from which deviations must be requested if desired by the applicant. Land use. Use of the PUD overlay will require a land use amendment to the comprehensive plan in accordance with F.S. § 163.3187.~~

3. Provide density and intensity thresholds, above which a PUD shall be required.

As stated, the Planning Board wants to consider density and intensity rezoning thresholds that would require use of a PUD. Regional examples of such thresholds include the City of Jacksonville Beach, which requires that all commercial projects exceeding 50,000 square feet of building area utilize the PUD process, and also St. Johns County, which requires that almost all development in the Northwest County come in as PUDs. Threshold sizes can be determined locally and can include building square footage, geographical area, density, or number of residential units. Jacksonville Beach's use of the 50,000 square foot threshold is logical, as it would include shopping centers and most grocery stores, but not smaller commercial projects. The text below would provide thresholds for required PUD overlays, to be added to the end of the Zoning Code section pertaining to zoning district regulation applicability.

Sec. 94-113. - Applicability of district regulations.

The regulations set by this chapter within each district shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure, use, or land or water. Except as provided in this chapter:

- (1) Use. No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified in this chapter for the district in which it is located.*
- (2) Height of structures, population density, lot coverage, yards and open spaces. No structure shall hereafter be erected or altered:
 - a. To exceed height or bulk limitations provided in this chapter;*
 - b. To provide a greater number of dwelling units or less lot area per dwelling unit than as permitted or required in this chapter;*
 - c. To provide less lot area per dwelling unit or to occupy a smaller lot than as permitted or required in this chapter;*
 - d. To occupy a greater percentage of lot area, or to provide narrower or smaller yards, courts or other open spaces, or lesser separation between buildings or structures or portions of buildings or structures, than required in this chapter; or*
 - e. In any other manner contrary to the provisions of this chapter.**
- (3) Multiple use of required open space. No part of a required yard or other required open space, or off-street parking or off-street loading space, provided in connection with one structure or use shall be included as meeting the requirements for any other structure or use, except where specific provision is made in this chapter.*
- (4) Reduction of lot area. No lot, combination of contiguous lots in common ownership, or yard, existing at the effective date of the ordinance from which this chapter is derived shall hereafter be reduced in dimension or area below the minimum requirements set forth in this chapter, except by reason of a portion being acquired for public use in any manner, including dedication,*

condemnation, purchase and the like. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.

(5) *Limitation on number of principal buildings on lots in residential areas. Except as provided in this chapter, only one principal residential building, except for multifamily buildings and cluster developments, may hereafter be erected on any lot.*

(6) *Continuity of zoning of annexed property. Where property is annexed to the city subsequent to the effective date of the ordinance from which this chapter is derived, such property shall continue to hold the zoning classification placed on it by the county; and the regulations applicable to it under the zoning regulation of the county shall be administered and enforced by the city until such time as the property has been reclassified in accordance with general law.*

(7) *Planned Unit Development Overlay Threshold. Any proposed nonresidential development exceeding 50,000 square feet or residential development with project density exceeding ten units per acre or residential development with more than 50 units shall be required to utilize a Planned Unit Development overlay.*

4. Reduce minimum PUD size of two acres.

The Board at their January meeting also discussed the possible utility of allowing for smaller PUDs than the current minimum two-acre size allows for. The rationale between a lower or no minimum PUD size is that small projects are often intensively developed by their very nature, increasing the need for code flexibility and compatibility standards. Other Florida jurisdictions vary in minimum PUD sizes, ranging from a high of 10 acres for towns like Clermont, Cape Canaveral, and Jupiter to no minimum size (Apopka, Tallahassee). Other jurisdictions fall within this range. The Board can recommend to not require a minimum PUD size, as is phrased below, or can lower the minimum to one or one-half acre.

Sec. 94-233. - Development standards.

(a) ~~Minimum area~~ Unity. A parcel which is proposed for a planned unit development shall ~~not be less than two acres in size; however, all parcels intended for development as a planned unit development shall be in single ownership or control.~~

5. Apply current requirement of undergrounded utilities only to new development.

Section 94-233 requires that all PUDs have utilities installed underground. Staff believes this is an appropriate requirement for new development, but the costs of retrofitting for an adaptive reuse or redevelopment project would be unreasonable. Therefore Staff recommends this standard be directed at new development only.

Sec. 94-233. - Development standards.

(f) Underground utilities. Within a planned unit development, all utilities, including telephone, television cable and electrical systems shall be installed underground, applicable only for new construction. Appurtenances to these systems which require aboveground installation must be

effectively screened, and thereby may be excepted from this requirement. Primary facilities providing service to the site of the planned unit development may be excepted.

7. Eliminate requirement that PUD applicants confer with Planning Board prior to application.

Section 94-235 requires that PUD applicants consult with the Planning Board in a pre-application conference. It is more appropriate for a pre-application meeting with staff, and this requirement is also problematic in regard to the Board's required quasi-judicial review, in that the Planning Board is previewing and judging an application that they will later be reviewing. The change shows below would shift this conference to the staff level and more accurately reflect the filing of the application with staff.

Sec. 94-235. - Review and approval procedures.

(a) Pre-application conferences. Prior to filing of a formal application for a planned unit development, the applicant is required to confer with the ~~planning board~~ Planning Director in order to review the general character of the plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs.

(b) Development plan.

(1) Filing. An applicant shall file a petition with the ~~planning board~~ Building and Zoning Department for the approval of planned unit development in accordance with the requirements of section 94-3. This application shall be supported by a development plan and a written summary of intent and shall show the relation between the proposed development and the surrounding area, both existing and proposed. This supportive material shall be submitted to the ~~planning board~~ for review.

APPLICATION ANALYSIS

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

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

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

The change does not conflict with the Comprehensive Plan. The following Future Land Use Element policies are applicable.

Policy A.1.8.2 9J-5.006(3)(c)5

The Land Development Regulations shall include provisions for Planned Unit Developments as an optional overlay designation. PUDs shall be permitted within any land use area through land use amendment procedures defined in s. 163.3187, Florida Statutes.

1. Planned Unit Developments

Typical uses of the PUD may be (1) to improve the use of land where topography does not permit the application of the standard grid pattern subdivision of land, (2) to introduce more than one land use within a development complex, for example, recreation and commercial activities within a mobile home park or (3) to cluster homes, businesses or other uses within a development in order to improve the efficiency of supporting infrastructure.

As noted above, the PUD may contain a mixture of residential, commercial, industrial, and recreational land uses so long as these uses are made compatible through spatial or buffering techniques. The acceptable mix of land uses within a PUD in the City is based upon the type and location of PUD under review. Commercial and recreational uses within a PUD shall be planned at a level no greater than that required to support the commercial and recreational needs of the residents of the PUD (in land area--approximately 4 percent commercial, 6 percent recreational).

References to residential, commercial, industrial and recreational land uses in the PUD shall carry the same density/intensity of use as defined in Policies A.1.9.3, A.1, 2, 3 and 4. Planned Unit Development may be applied as an optional overlay district over any underlying land use. Use of the PUD overlay will require a land use amendment in accordance with s. 163.3187, F.S.

Staff Comment: The policies above lay the groundwork for the use of PUDs and are not in conflict with what is proposed, although the language that limits commercial use to serving PUD residents and that requires a plan amendment for PUDs is proposed for amendment in a separate application. The policies encourage the use of PUDs and therefore support reducing or eliminating the minimum PUD size.

b. The existing land use pattern.

Staff Comment: Not applicable to text changes.

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

Staff Comment: This criterion applies to the actual application of PUDs to a specific site.

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

Staff Comment: The proposed changes would not overtax public facilities.

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

Staff Comment: Not applicable as this is not a zoning map change.

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

Staff Comment: There are no changed conditions related to these amendments.

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

Staff Comment: Broader allowance of PUDs can help to improve neighborhoods through the use of site-specific compatibility standards for future PUD developments.

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

Staff Comment: Not applicable.

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

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

The above criteria are not applicable.

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

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

See response to g. above.

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

This change does not constitute a grant of special privilege, but the ability to encourage better development.

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

Not applicable.

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

See response to g. above.

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

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

The above criteria are not applicable.

STAFF RECOMMENDATION

This proposed Zoning Code text amendment is in keeping with applicable criteria. Staff recommends revising the following Zoning Code Section 94 standards pertaining to PUDs.

1. Eliminate requirement that PUD nonresidential component only serve residents of PUD.
2. Eliminate requirement that PUD rezoning be accompanied by Comprehensive Plan amendment that allows the PUD.
3. Provide density and intensity thresholds, above which a PUD shall be required.
4. Reduce minimum PUD size of two acres.
5. Apply current requirement of undergrounded utilities only to new development.
6. Link PUDs with a base zoning district.
7. Eliminate requirement that PUD applicants confer with Planning Board prior to application.

*Agenda
Item*

8

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code to allow for the re-establishment of a nonconforming use **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board minutes excerpt
3. Planning Board staff report

MEETING DATE: Feb. 23, 2012

ISSUE: This is an applicant-driven Municipal Code revision, with a recommendation of approval from the Planning Board. The applicants are working to re-open a barbecue take-out stand on their property, a use that was a long-standing nonconforming use that ceased operations in 2009. This code change is the first step, to set up a process for requesting re-establishing nonconforming uses, and the next step, if this code change is approved, would be to apply to the Planning Board for use re-establishment under the Conditional Use process.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

*passed on 1st reading
2-23-12*

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA AMENDING ZONING
CODE SECTION 94-119 TO PROVIDE
PROCESS FOR RE-ESTABLISHING
NONCONFORMING USE; PROVIDING FOR
SEVERABILITY AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, application has been made by Herman and Pamela Roberts to the City for a certain amendment to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 7, 2012, and two public hearings before the City Commission of the City of Palatka on February 23, 2012, and March 8, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. New Zoning Code Section 94-119(j) shall be added as follows.

Sec. 94-261. - Re-establishment of nonconforming uses. In unusual cases where nonconforming uses are grounded in the community due to historical precedent and community support, should such uses cease to operate, their re-establishment shall be allowed within 36 months of the date the use ceased to function. Consideration of such requests shall be through the Conditional Use process.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this

ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 8th day of March, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes - *DRAFT*

February 7, 2012

The proposed building materials are generally in accordance with the use of brick, concrete block, and metal roofing that is already used for the current building, there should not be an issue.

Discussion ensued regarding design and compatibility.

Mr. Stokes explained that this will be a concrete block building with a brick exterior and a metal hip roof with four sides, and the building will be architecturally compatible with the existing building. The lighting and landscaping will meet code requirements and that it will be a dramatic improvement to Moseley Avenue.

An audience member (name unknown) asked if there were any drawings showing the proposed development. Mr. Crowe provided a site plan to the person.

Motion was made by Mr. Harwell and seconded by George DeLoach to approve the request as submitted, subject to staff recommendations. All present voted affirmative, except for Mr. Sheffield who abstained, motion carried.

Case 12-03 Request to revise Sec. 94-114 to allow for process for re-establishing a legal nonconforming use.
Applicant: Herman and Pamela Roberts

Mr. Crowe explained that this request began with the applicants' attempts to re-establish the non-conforming use of a longstanding takeout establishment on Washington St. that had been operating for decades. In 2009 the operation ceased to exist. The current code prohibits allowing the use to operate again because once a non-conforming use ceases for six months, it cannot be re-established. In an effort to work with the applicant, he researched other jurisdictions for possible ways to re-establish a non-conforming use and found that a few jurisdictions provide for this type of action. He recommended approval of the proposed code amendment to allow for the re-establishment of nonconforming uses, in unusual cases where nonconforming uses are grounded in the community due to historical precedent and community. Should such uses cease to operate, applicants could petition for re-establishment within 36 months of the date the use ceased to function. Consideration of such requests would be through the Conditional Use process.

Mr. Crowe reminded the Board that it was important to separate this first step of creating a mechanism to re-establish nonconforming uses from the second step of actually applying for the re-establishment of specific uses.

The Applicant, Mr. Herman Roberts, was present but did not address the Board. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Harwell to approve the amendment as submitted by staff. All present voted affirmative, motion carried.

Case 12-04 Planning Board and Administrative request to revise Section 94-113 to provide rezoning intensity and density thresholds that would require the use of Planned Unit Development (PUD) overlays; revise Sec. 94-157 and 94-232 to eliminate the requirement that nonresidential uses within Planned Unit Development (PUD) serve only residents of that PUD; revise Sec. 94-157 to eliminate required amendment to Comprehensive Plan for PUDs; revise Sec. 94-233 to reduce the minimum PUD size of two acres; revise Sec. 94-233 to limit requirement for undergrounding

Case 12-03
Request to Amend Zoning Code
(Re-establish Nonconforming Use)
Applicant: Herman and Pamela Roberts

STAFF REPORT

DATE: January 31, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider a process allowing the re-establishment of a legal nonconforming use. Public notice consisted of newspaper advertisement.

APPLICATION BACKGROUND

The Applicants are requesting this Zoning Code change as a means to re-open a longstanding barbecue take-out business operated out of their home. Staff has assisted the Applicants in separating this specific issue from what has to be a generic code change and has worked with the Applicants to develop a process that recognizes formerly nonconforming uses that are neighborhood or City institutions due to their longevity and community importance, while also protecting the City's neighborhoods.

Zoning Code Section 94-114(c) defines a nonconforming use as a lawful use of land existing prior to the adoption of the Code (1981), and made nonconforming by the Code. Nonconforming uses may continue indefinitely but cannot be enlarged, increased, expanded, or moved, and if the use ceases for more than six months its continuation is prohibited.

While it is not common, there are a few jurisdictions that allow for the re-establishment of nonconforming uses. The Town of Jupiter's Indiantown Overlay Zoning District allows for the re-establishment of a nonconforming use within 24 months of its cessation if the property owner demonstrates a substantial reduction of those elements that make the use on the site nonconforming. The City of Miami allows the administrative re-establishment of a nonconforming use after a lapse not exceeding 18 months, if the use was lawfully established and would not prove materially adverse to surrounding properties. In Torrey, CA the Zoning Board of Appeals may extend the period in which the use can be re-established up to two years, if it is determined that the extension is justified due to factors beyond the control of the applicant.

Staff supports re-establishing nonconforming uses only if the process for such an action provides for clear criteria that protect neighborhoods, and that such an action does not result in widespread encouragement of nonconforming uses. The Conditional Use process lends itself to this action since it has multiple criteria that consider neighborhood impacts and conditions of approval can also be placed upon the use to further ensure neighborhood protection. The Conditional Use criteria are shown below.

- a. *Compliance with all 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.*

- 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.*
- d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.*
- e. Utilities, with reference to location, availability and compatibility.*
- f. Screening and buffering, with reference to type, dimensions and character.*
- 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.*
- h. Required yards and other open space.*
- i. General compatibility with adjacent properties and other property in the district.*
- j. Any special requirements set out in the schedule of district regulations for the particular use involved.*
- k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*
- l. Overall Impact on Public Interest*

The following change could be made to the Zoning Code to allow for the re-establishment of nonconforming uses. The existing language of this section is shown in italics below, with new language shown in underlined text.

Sec. 94-114. – Nonconforming lots, structures and uses

(a) Intent.

(1) Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the ordinance codified in this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.

(2) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(3) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance codified in this chapter by attachment on a building or premises of additional signs or by addition of other uses of a nature which would be prohibited in the district involved.

(b) Nonconforming lots of record. Where a lot of record exists which was held in individual ownership and platted and recorded in the office of the clerk of the circuit court of the county prior to the time of adoption of the ordinance codified in this chapter, and such lot does not conform to the lot area or width requirements for the district in which it is located, the lot may be used for any use permitted in district provided all other development standards are met.

(c) *Nonconforming uses of land. Where, at the effective date of adoption or amendment of the ordinance codified in this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:*

(1) *No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this chapter.*

(2) *No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this chapter.*

(3) *If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the requirements of this chapter for the district in which such land is located, and continuance of such use after such period is specifically prohibited.*

(d) *Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could not be built under the terms of this chapter by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:*

(1) *No such structure may be enlarged or altered in a way which increases its nonconformity.*

(2) *Should such structure be destroyed by any means to an extent of 60 percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.*

(3) *Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the district in which it is located after it is moved.*

(e) *Nonconforming uses of structures. If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance codified in this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:*

(1) *No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.*

(2) *If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided the board of zoning appeals may require appropriate conditions and safeguards in accord with the provisions of section 94-64.*

(3) *Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the requirements of the district in which such structure is located, and the nonconforming use may not thereafter be resumed.*

(4) *When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the requirements of this district in which it is located.*

(5) *Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.*

(f) *Nonconforming characteristics of use. If characteristics of use, such as residential densities, signs, off-street parking or off-street loading, or other matters pertaining to the use of land and structures are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this chapter; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.*

(g) *Repairs and maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.*

(h) *Casual, temporary or illegal use. The casual, temporary or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.*

(i) *Conditional uses not nonconforming uses. Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be deemed a conforming use in such district.*

(j) Re-establishment of nonconforming uses. In unusual cases where nonconforming uses are grounded in the community due to historical precedent and community support, should such uses cease to operate, their re-establishment shall be allowed within 36 months of the date the use ceased to function. Consideration of such requests shall be through the Conditional Use process.

Staff believes that there is a justification for such a code change, one that would not result in widespread abuse but that would recognize the importance of historical uses, while of course providing for protection for the surrounding neighborhood. Such a change would provide for what are rare but important neighborhood institutions, historic uses that can fall through the cracks given the bright-line standards of modern zoning.

APPLICATION ANALYSIS

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

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

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

The change does not conflict with the Comprehensive Plan. The following Future Land Use Element policies are applicable.

Policy A.1.3.1. *The Building Official shall utilize the Land Development Regulations, specifically the City Zoning Code, to reinforce its current provisions regarding the elimination of non-conforming land uses to include all uses which are inconsistent with the Future Land Use Map 2005 or cannot be made compatible with adjacent land uses. The requirement of this provision shall be enforced upon application to the City for building permits to repair or improve such structures.*

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: Policy A.1.3.1 requires that the LDRs be used to eliminate all uses inconsistent with the FLUM OR uses that can't be made compatible with adjacent uses. Requiring a Conditional Use to re-establish a nonconforming use helps to assure compatibility with surrounding properties. Policy A.1.3.2 opens the door to alternative methods other than strict Comprehensive Plan Map and Zoning compliance to ensure compatibility.

b. The existing land use pattern.

Staff Comment: Not applicable to text changes.

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

Staff Comment: The change does not pertain to land uses.

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

Staff Comment: The proposed change would not overtax public facilities.

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

Staff Comment: Not applicable as this is not a zoning map change.

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

Staff Comment: The worsening economy of recent times is a changed condition that supports a Code change that allows for the limited continuation of small, home-based businesses that don't negatively impact the neighborhood.

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

Staff Comment: Requiring Conditional Use approval will help to assure that the proposed Code change will not adversely affect living conditions.

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

Staff Comment: Again, the Conditional Use process considers adverse traffic impacts.

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

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

The above criteria are not applicable.

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

l. *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

See response to g. above.

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

This change does not constitute a grant of special privilege, but the ability to relax strict conformity rules in cases of neighborhood and community institutions that do not negatively impact neighborhoods.

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

Not applicable.

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

See response to g. above.

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

q. *The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

The above criteria are not applicable.

STAFF RECOMMENDATION

This proposed Zoning Code text amendment is in keeping with applicable criteria. Staff recommends approval of the Applicant's request to revise Zoning Code Section 94-114 to allow for the re-establishment of a nonconforming use.

New Section 94-119(j):

Re-establishment of nonconforming uses. In unusual cases where nonconforming uses are grounded in the community due to historical precedent and community support, should such uses cease to operate, their re-establishment shall be allowed within 36 months of the date the use ceased to function. Consideration of such requests shall be through the Conditional Use process.