

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA 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

October 27, 2011

CALL TO ORDER:

- a. **SEE SPECIAL AGENDA – STUDENTS IN GOVERNMENT**
- b. Roll Call

APPROVAL OF MINUTES – 10/13/11

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **Employee Retirement** – Gary Denmark, WWTP Class A Operator – 1/12/75 to 10/31/11

b. PROCLAMATIONS

1. **City Government Week** – October 23 – 30, 2011
2. **National Hospice Month** – November, 2011 – Hospice of the Nature Coast
3. **Children's Grief Awareness Day** – November 17 – Bertie Allender, Bobby Laffetry, D.O., and Rodney Phillips, Hospice of the Nature Coast

c. WATERWORKS ENVIRONMENTAL CENTER UPDATE – Jim Townsend & Shann Purinton

d. STUDENT OF THE MONTH – October, 2011 – Mayor Myers & Commissioner Kitchens

Bradley Aaron Tilton	Beasley Middle School
Garrett Adkins	Browning Pearce Elementary School
Kylie Womack	Children's Reading Center Charter School
Maryana Bolden	E.H. Miller School
Kole Yelvington	James A. Long Elementary School
Zach Prioletti	Jenkins Middle School
Amy Kennedy	Kelley Smith Elementary School
Natalynn Brown	Mellon Elementary School
Leeah McMahan	Moseley Elementary School
Jacob Sevearance	Palatka High School
Hannah Gipe	Peniel Baptist Academy

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

3. CONSENT AGENDA:

- *a. **Declare as surplus property Building & Zoning office equipment** as listed, for disposal at auction
- *b. **Appoint Robert W. Baumer to the Palatka Code Enforcement Board** as member with sub-contractor experience for the remainder of a 3-year term to expire 9/30/12
- *c. **Reappoint John Lyons as Alternate and Leroy Miles as Member with Legal Experience to the Palatka Code Enforcement Board** for 3 year terms to expire 9/30/14 (incumbents – sole applicants)
- *d. **Set date and time for City Commission Workshop on November 10, 2011 at 4:00 p.m.** concerning the Downtown Waterview Property Redevelopment and RFP

CITY OF PALATKA

October 27, 2011

Page 2

- * 4. **PUBLIC HEARING** – 2908 Kennedy Street (.15 acres) - Application to Annex, Amend the Future Land Use Map and Future Land Use Element From Putnam County R-1A (Residential 1, Single-Family) To R-1A (Single-Family Residential) – Dene and Deborah Berry, Applicants
 - a. Annexation Ordinance – 1st Reading
 - b. Rezoning Ordinance – 1st Reading
- * 5. **PUBLIC HEARING** – 2920 Kennedy Street (.29 acres) – Application to Annex, Amend the Future Land Use Map and Future Land Use Element From Putnam County R-1A (Residential 1, Single-Family) To R-1A (Single-Family Residential) – Terry N. Turk, Applicant
 - a. Annexation Ordinance – 1st Reading
 - b. Rezoning Ordinance – 1st Reading
- * 6. **ORDINANCE** amending Chapter 46 of the Code of Ordinances to delete Section 46-6 to remove firearms regulations - 2nd Reading, Adopt
- * 7. **ORDINANCE** amending Chapter 50 of the Code of Ordinances to delete Section 50-49 to remove local firearms regulations – 2nd Reading, Adopt
- * 8. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs for churches and child care facilities in residential areas – 2nd Reading, Adopt
- * 9. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs in the Downtown Riverfront and Business Districts – 2nd Reading, Adopt
- * 10. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow Farmer’s Markets as conditional uses in the Downtown Riverfront and Business Districts – 2nd Reading, Adopt
- 11. **ADMINISTRATIVE REPORTS**
- 12. **COMMISSIONER COMMENTS**
 - a. **Discussion of Water Taxi Launch Celebration – Vice Mayor Brown**
- 13. **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:

October 31, 2011 – Halloween Trick Or Treat
Nov. 11 – City Offices closed to observe Veterans' Day
Nov. 17 & 18, 2011 – Legislative Conference, Orlando
Nov. 24 & 25, 2011 – City offices closed to observe Thanksgiving
Dec. 23 & 26, 2011 – City offices closed to observe Christmas
Dec. 30, 2011 – City offices closed to observe New Year's Eve

Board Openings:

Code Enforcement Board: 2 Vacancies (Sub-Contr. & Alt.)
Tree Committee: 1 Vacancy
Historic Preservation Board: 1 alternate
Fire Pension Board: 1 Vacancy (“5th member”)
Putnam Co. Library Board: 1 Member (at large)

Whereas, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

Whereas, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

Whereas, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

Whereas, Florida City Government Week is a very important time to recognize the important role played by city government in our lives; and

Whereas, during Florida City Government Week, the City of Palatka has joined with the Florida League of Cities and its member cities to teach students and other citizens about municipal government through a variety of different projects and information; and

Whereas, Florida City Government Week offers an important opportunity to spread the word to all citizens of Florida that through their civic involvement they can shape and influence this branch of government which is closest to the people.

NOW, THEREFORE, BE IT PROCLAIMED by the City Commission of the City of Palatka, Florida as follows:

Section 1. That the City of Palatka does encourage all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

Section 2. That the City of Palatka does encourage educational partnerships between city government and schools.

Section 3. That the City of Palatka does support and encourage all city governments to actively promote and sponsor "Florida City Government Week, October 23 – 30, 2011."

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

CITY OF PALATKA

BY: _____
Vernon Myers, MAYOR

ATTEST:

City Clerk

WHEREAS, hospice and palliative care offer the highest quality services and support to patients and family caregivers facing serious and life-limiting illness; and

WHEREAS, hospice care and palliative care providers take the time to ask what's important to those they are caring for – and listen to what their patients and families say; and

WHEREAS, skilled and compassionate hospice and palliative care professionals – including physicians, nurses, social workers, therapists, counselors, health aids, and clergy – provide comprehensive care focused on the wishes of each individual patient; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends and committed caregivers; and

WHEREAS, the provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every state of human life deserves to be treated with the utmost respect and care; and

WHEREAS, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, more than 468,000 trained volunteers contribute 22 million hours of service to hospice program annually; and

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.

NOW THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, together with the members of the Palatka City Commission, do hereby proclaim November 2011 to be

NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

In the City of Palatka, and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 27th day of October, in the Year of Our Lord Two Thousand Eleven.

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

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR

WHEREAS, Children who have a loved one die, especially a close family member, experience intense inner turmoil; and

WHEREAS, Every school district has students who have experienced personal loss and there are more grieving children than most of us realize; and

WHEREAS, The Florida legislature resolved on April 7, 2011 to observe Children's Grief Awareness Day in Florida annually on the Thursday before Thanksgiving; and

WHEREAS, Children's Grief Awareness Day provides an opportunity for all of us to raise awareness of the painful impact that the death of a loved one has in the life of a child, an opportunity for all of us to recognize and support the millions of grieving children across the nation, the thousands of grieving children right in our own communities, and the grieving children we know and see in our daily lives; and

WHEREAS, Parental grief is boundless and touches every aspect of a parent's being; and

WHEREAS, Herry's Kids Pediatric Services provides specialized services to children and teens with life-threatening illnesses, and offers grief support and therapeutic camps for young people and their loved ones who have experienced a loss; and

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, together with the members of the Palatka City Commission, do hereby proclaim Thursday, November 17, 2011 as

CHILDREN'S GRIEF AWARENESS DAY

In the City of Palatka, Florida, and applaud the work currently being accomplished and support grieving children on their journey toward hope after a loved one dies.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Palatka to be affixed this 27th day of October, in the Year of Our Lord Two Thousand and Eleven.

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

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR



Agenda
Item

3a

Memo

To: City Commission
From: Building & Zoning
Department: _____
CC: Matthew Reynolds, Finance Director
Date: 10-19-11
Re: Surplus Property Request

Please declare the following property surplus:

<u>Item/Description</u>	<u>Quantity</u>	<u>Inventory Control No.</u>
Dell PC-Property #05425		
Two Old Dell PCs, white in color-No property #		
HP Pavilion 6330 PC-No property #		
HP Vectra PC-No Property #		
Small Phillips TV-No Property #		
HP LaserJet p3005dn printer-No property #		
Sharp electronic cash register-No Property #		
IBM InfoWindow II monitor-Property #7782		
Dell flat screen monitor-No property #		

Recommended Disposition:

at property auction

Agenda
Item

3b



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0199
e-mail: bdriggers@palatka-fl.gov

Memorandum

To: City Commission
From: Betsy Driggers, City Clerk
Date: 10/21/2011
Re: Palatka Code Enforcement Board Appointment

Per City Commission policy, the City advertised that the Commission was seeking applicants for appointment to the Palatka Code Enforcement Board. This appointment will fill the balance of a three-year term that expires Sept. 30, 2012 and calls for a member with sub-contracting experience.

Robert W. Baumer, a resident of Palatka, has applied for appointment to this position and meets all requirements for this appointment. He has an interest in local code enforcement and has been apprised of this board's duties, function and requirements, and has been advised of attendance requirements. He is available to attend meetings. Staff has met with him and is satisfied that he is a good candidate for appointment to this highly responsible Board.

Policy calls for applicants' interviews at the commission meeting prior to appointments. **Since only one application has been received for this position, it is Staff's recommendation to waive the 2nd meeting requirement and appoint Robert W. Baumer to the Palatka Code Enforcement Board as the Member with Sub Contractor Experience for the remainder of a three-year term to expire Sept. 30, 2012.** Mr. Baumer has been asked to attend the October 27 meeting, should you have any questions of him.

Betsy Driggers

From: Thad Crowe
Sent: Friday, October 21, 2011 8:52 AM
To: Betsy Driggers
Cc: 'bob.baumer@gmail.com'
Subject: CEB Appt.

Betsy – I talked to Mr. Baumer yesterday on a code enforcement issue and found him to be knowledgeable and articulate about this topic. I believe he would be a good candidate for the Code Enforcement Board.

Thad

Thad Crowe, AICP
Planning Director
City of Palatka
205 N. 2nd St.
Palatka, FL 32177
386-329-0103
<http://palatka-fl.gov/>

Florida has a very broad public records law. Under Florida law, both the content of emails and email addresses are public records. If you do not want the content of your email or your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in person.



Please consider the environment - print only if necessary.

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

BETSY JORDAN DRIGGERS
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MATTHEW D. REYNOLDS
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CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

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

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Palatka Code Enforcement Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Robert W. Baumer (Must be at least 18 yrs. old)
Residence (911 Address) 415 Olive Street, Palatka Phone: (800) 515-7616
Business Name & Address _____ Fax: _____
Phone: _____
Fax: _____

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 415 Olive Street, Palatka FL, 32177

E-mail: bob.baumer@gmail.com Daytime Phone: _____

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

Please see attached

OTHER COMMENTS OR INFORMATION:

Please see attached

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

SIGNATURE OF APPLICANT

DATE

Robert W. Baumer October 21, 2011
Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Robert W. Baumer
415 Olive Street
Palatka, FL 32177

Professional Qualifications

Direct subcontractor to Braschi Remodeling, Connecticut License Number HIC.0674260 over a four-year period beginning in 2006.

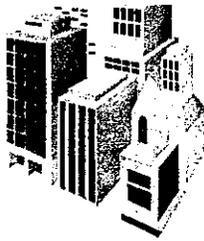
- Demolition and reconstruction of bathrooms, kitchens, decks, exteriors, including electrical work where needed.
- All work performed compliant with Connecticut code.
- Prior experiences in business, primarily computer field, with last term of employment in training and education with Mercedes-Benz USA.

Other Comments or Information

- Experience in waterfront, specifically harbor management. Gained through audit of town harbor management plans, or where such not called for by Connecticut statute, town or municipal practices. Equal access issues; transparency; mooring grid layouts, code enforcement. Primarily worked through Department of Environmental Protection services guides and personnel, as well as Department of Transportation Harbor and Airports Commissioner. Interfaced with Admiralty Attorneys to obtain legal opinions as necessary; summarized a case presented in writing to Governor of Connecticut's office before reappointment of a harbormaster; reappointment declined. Personally set/laid moorings, enforced mooring field regulations and collected mooring fees.
- Past Board Member, Massachusetts Institute of Technology (MIT) Enterprise Forum; forum focused on assisting emerging businesses in Connecticut.
- Honorary Member - 18th Infantry Regiment, US 1st Infantry Division, by Order of the Secretary of the Army, July 2005
- Authored, with Lieutenant Colonel Mark J. Reardon, *American Iliad, The 18th Infantry Regiment in World War II*, published by the Aberjona Press in 2004.
- Homesteaded resident of Florida since 2010.
- Currently "retired."

Agenda
Item

3c



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0199
e-mail: bdriqqers@palatka-fl.gov

Memorandum

To: City Commission & Staff
From: Betsy Driggers, City Clerk
Date: 10/20/2011
Re: Code Enforcement Board Appointment

John Lyon's and Leroy Miles' terms on the Palatka Code Enforcement Board expired on September 30, 2011. These members have returned applications for reappointment indicating their desire and willingness to serve another term in this capacity. Mr. Lyons serves as Alternate and Mr. Miles serves as the member with legal experience.

Mr. Lyons and Mr. Miles are valuable contributing members in good standing on this Board. This comes with a recommendation for reappointment from the Planning Direct. .

It is Staff's recommendation to reappoint John Lyons as Alternate Member and Leroy Miles as Member with Legal Experience to the Palatka Code Enforcement Board for three year terms to expire September 30, 2014.

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

MES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER
BETSY JORDAN DRIGGERS
CITY CLERK
RUBY M. WILLIAMS
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.

CITY OF PALATKA BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Code Enforcement Board.
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Leroy Miles III # of years' prior service: _____
Residence (11A) _____ Phone: (386) 916-8241
(911 Address) 6001 S. Moody Rd Apt. 1101 a Palatka, FL 32177 Fax: _____
Business Name _____ Phone: (386) 329-2506
& Address Department of Juvenile Justice Fax: _____

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 400 Hwy 19 N. Suite 42, Palatka, FL 32177

E-mail: leroymiles3@aol.com Daytime Phone: (386) 329-2506

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

Leroy Miles III _____
SIGNATURE OF APPLICANT DATE 10/21/11

Chairman/Director:: Please return this form, together with a copy of this member's attendance record, to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.

CHAIRMAN/DIRECTOR'S COMMENTS (if any) _____

Chairman's/Director's Signature _____

Updated October 21, 2011

CODE ENFORCEMENT BOARD

7 Members - 3-Yr. Terms

Appt. Date		Term Expires
02/10/11	Leroy Miles, III (Attorney Rep.) 607 S. Moody Rd., Apt. 11A (C)916-8241 Leroymiles3@aol.com	Sept. 2011
9/25/08	Douglas E. Webb (Architectural Exp. Sub. Rep.) 6101 1 st Manor West (H)328-8281 Nova0553@yahoo.com (F)312-5049	Sept. 2011
10/27/05(alt) 10/26/06 10/09/08(alt)	John A. Lyon (Alternate #1) (C)937-4679 417 Kirby Street (W)325-0419 (H)325-6667 steamboatwillies1@yahoo.com	Sept. 2011
	Vacant (Subcontractor Rep.)	Sept. 2012
9/25/03	LaSandra Williams (Business Rep.) 1424 Ocean Street (H)328-1071 (F)329-3857 williamL@dor.state.fl.us (W)329-3867	Sept. 2012
	Vacant (Alternate #2)	Sept. 2012
11/11/04	Pat A. Wilson (Engineering Rep.) 516 River Street (H)325-7736 (F)325-9306 wilson9318@bellsouth.net (W)937-7158	Sept. 2013
7/23/09	Michael Gagnon (General Contractor Rep.) 703 Emmett St. (H)325-9418 captainclub0607@yahoo.com	Sept. 2013
8/26/10 (mailing) (home)	Alex Sharp (Real Estate Rep.) 919 St. Johns Ave. (H)916-0838 822 S. 15 th St. (W)385-3416 (F)385-3419 Alex@halerealty.biz	Sept. 2013

Created by Ordinance #87-24 dated 9/10/87;
Ord. passed 1/9/92 allows for successive terms upon Commission approval
Ord. 02-01 Passed 1/10/02 adding two alternates
Ord. 04-24 Passed 9/9/04 amending jurisdiction & powers
Meets 4th Wednesday, 4 PM at City Hall

Agenda
Item

3d

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
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DONALD E. HOLMES
CITY ATTORNEY

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

October 27, 2011

**TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND
JAMES NORWOOD, Jr.:**

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on November 10, 2011, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 4:00 p.m.

The purpose of the meeting is to hold a workshop concerning the Downtown Waterview Property Redevelopment and RFP.

Isl Vernon Myers
Vernon Myers, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 27th day of October, 2011.

Isl Mary Lawson Brown
COMMISSIONER

Isl Phil Leary
COMMISSIONER

Isl James Norwood, Jr.
COMMISSIONER

Isl Allegra Kitchens
COMMISSIONER

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.

Agenda Item

4 a & b

This instrument prepared by:
Thad Crowe, AICP
City of Palatka
201 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA ANNEXING INTO THE
CORPORATE LIMITS OF THE CITY OF
PALATKA, FLORIDA CERTAIN ADJACENT
TERRITORY IDENTIFIED AS 2908
KENNEDY STREET, LOCATED IN SECTION
12, TOWNSHIP 10 SOUTH, RANGE 26
EAST, PUBLIC RECORDS OF PUTNAM
COUNTY, FLORIDA CONTIGUOUS TO THE
BOUNDARIES OF THE CITY OF PALATKA;
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit:

Terry N. Turk

WHEREAS, Chapter 171.044, Florida Statutes, permits the annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka, and

WHEREAS, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

Section 2. NOW THEREFORE, be it enacted by the people of the City of Palatka, Florida, that the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

DESCRIPTION OF PROPERTY:

TUCKERS ADDITION OF PALATKA HEIGHTS MB2 P40 BLK G LOT 11
(Being tax parcel # 12-10-26-9050-0070-0110)

Section 3. The property hereby annexed shall remain subject to the County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

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 December, 2011.

CITY OF PALATKA

BY: _____

Its Mayor
ATTEST:

City Clerk

APPROVED AS TO FORM AND CORRECTNESS: _____

City Attorney

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 2908 KENNEDY STREET FROM PUTNAM COUNTY R-1A (RESIDENTIAL 1A, SINGLE FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

Section 1.

WHEREAS, application has been made by the owners, Dene and Deborah Berry, to the City for certain amendments to the Official Zoning Map 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 August 23, 2011, and two public hearings before the City Commission of the City of Palatka on November 10, 2011, and December 8, 2011, and

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

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of Putnam County R-1A (Residential 1A, Single Family) to R-1A (Single-Family Residential)

DESCRIPTION OF PROPERTY:

12-10-26-9050-0070-0110
TUCKERS ADDITION OF PALATKA HEIGHTS MB2 P40 BLK G LOT 11

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 December, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk



CITY OF PALATKA PLANNING BOARD

Meeting Minutes August 23, 2011

Meeting called to order by Chairman Carl Stewart at 4:00 pm.

Other members present: Sue Roskosh, Earl Wallace, Anthony Harwell, Joseph Petrucci and Joe Pickens.

Members absent: Kenneth Venables.

Also present: Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the minutes of the July 5, 2011 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.

NEW BUSINESS

Case 11-30 **Address:** 2908 Kennedy St.
 Parcel #: (12-10-26-9050-0070-0110).
 Applicant/Owner: Dene and Deborah Berry

Request to annex, amend the Future Land Use Map from County US (Urban Service) to RL (Residential, Low Density) and rezone from County R-1A (Residential 1, Single-Family) to R-1A (Single-Family Residential)

Mr. Crowe advised that this case and the next case are both essentially the same type of request, made due to the need for city services. He added that these properties are adjacent to each other and are contiguous to the city. He showed a map of the area and pointed out where a section of unincorporated County is surrounded by the City. He stated that annexing these properties provides contiguity and reduces the existing enclave. He ended by saying that both requests meet the criteria for annexing, amending the Future Land Use Map and rezoning.

Motion made by Mr. Pickens to recommend approval of the request to the City Commission. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

Case 11-34 **Address:** 2920 Kennedy St.
 Parcel #: 12-10-26-9050-0070-0090
 Applicant/Owner: Terry N. Turk

Request to annex, amend the Future Land Use Map from County US (Urban Service) to RL (Residential Low Density) and rezone from County R-1A (Residential 1, Single-Family) to R-1A (Single-Family Residential)

Motion made by Mr. Pickens to recommend approval of the request to the City Commission. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

**Case 11-30 2908 Kennedy St, Case 11-34 2920 Kennedy St
Request to Annex, Amend Comprehensive Plan Map to RL,
and Rezone to R-1A**

Applicant: Dene & Deborah Berry, Terry N. Turk

STAFF REPORT

DATE: August 15, 2011
TO: Planning Board members
FROM: Thad Crowe, AICP, Planning Director

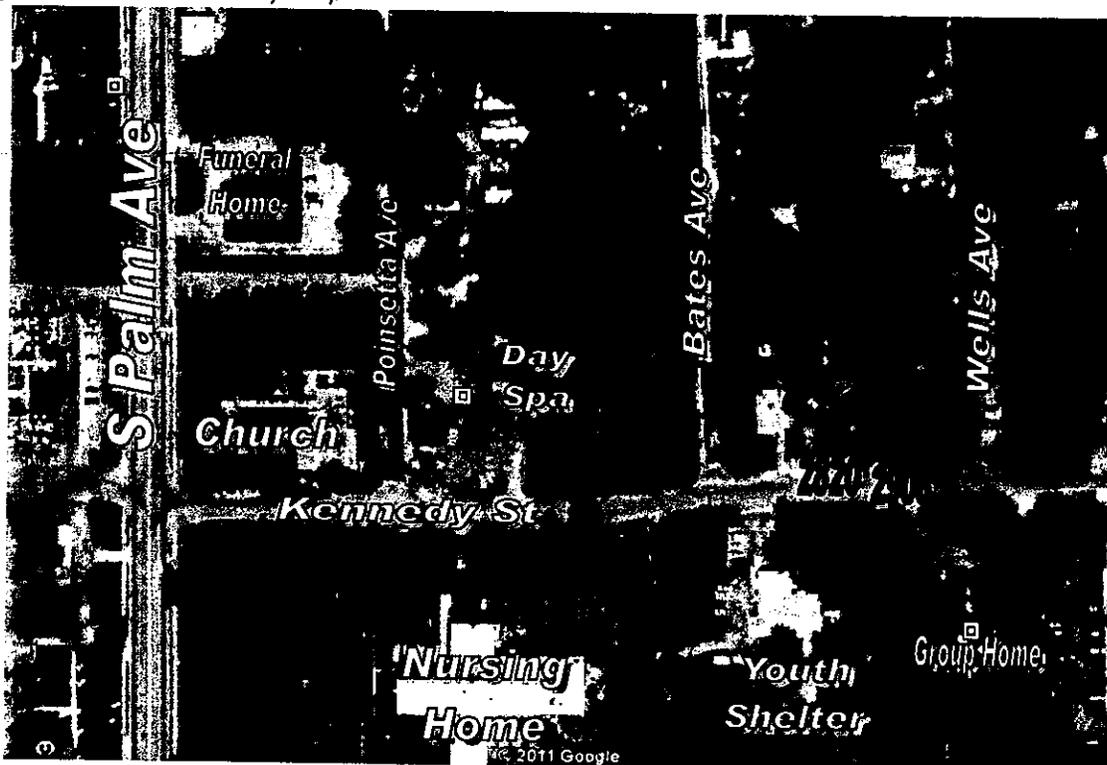
APPLICATION REQUEST

To annex, amend FLUM from County US (Urban Services) to RL (Residential Low Density), and rezone from County R-1A Residential, Single Family) to R-1A (Single-Family Residential). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

These neighboring properties are located at the fringe of a commercial/institutional area located around the intersection of S. Palm Ave. and Kennedy St. The area includes a retail/office center, credit union, church, funeral home, nursing home, and youth shelter, with residential uses north of Kennedy St. and east of Bates Ave.

Figure 1: Sites and Vicinity Map



The residential area generally bounded by Kennedy St. to the south, St. Johns Ave. to the north, Poinsetta St. to the west and Westover Dr. to the east is an unincorporated enclave, as shown in the graphic below (unincorporated County shown in the darker color, properties in question bounded in red).

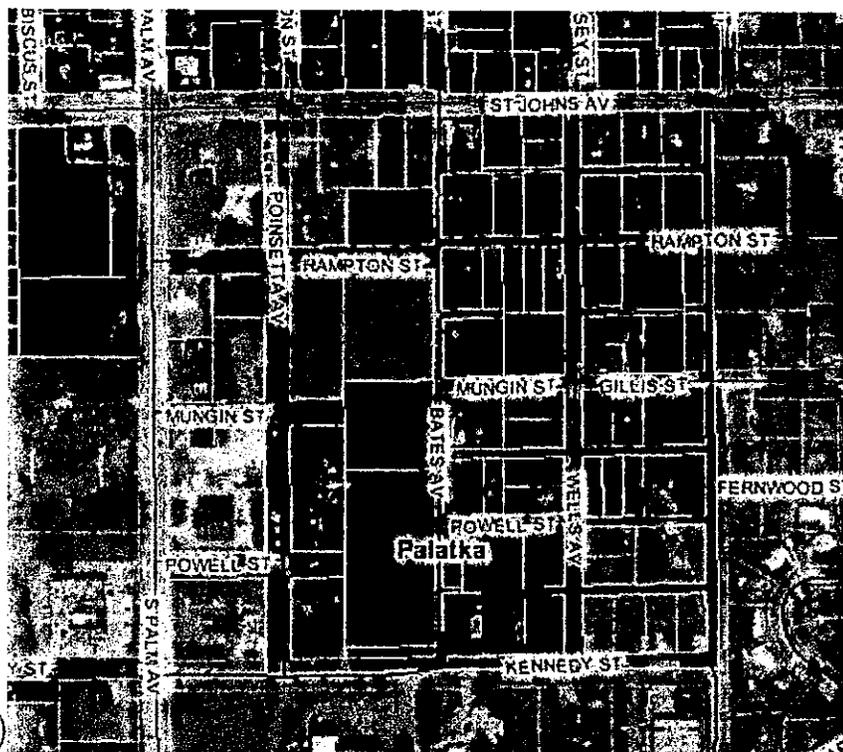


Figure 2: City and County Properties

The properties under consideration currently have County single-family land use and zoning. The table below site and surrounding property use classifications (see also attached maps).

Table 1: Use Classifications

Property	FLUM	Zoning	Existing Use
Site	(County) US (Urban Services)	(County) R-1A (Single Family)	Single-family home
Property to North	(County) US (Urban Services)	(County) R-1A (Single Family)	undeveloped
Property to South	OPF (Other Public Facilities)	R-3 (Multi-Family Residential)	Youth Shelter
Property to West	(County) US (Urban Services)	(County) R-1A (Single Family)	undeveloped
Property to East	(County) US (Urban Services)	(County) R-3 (Multiple Family)	Single-family home



Figure 1: 2908 Kennedy St



Figure 2: 2920 Kennedy St

PROJECT ANALYSIS

Annexation Analysis

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be "reasonably compact."

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. The definition further states that a road that comes between property boundaries and the municipal boundary shall not prevent annexation. The properties are contiguous to the city limits, which run along the south side of Kennedy Avenue. Therefore the properties are considered to be contiguous.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it is reducing the enclave shown in the last graphic.

Future Land Use Analysis

Florida House Bill 7129, recently signed by the Governor, provides amended criteria for consideration of comprehensive plan amendments under F.S. 163-3187, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined).

List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.

The application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

Policy A.1.9.3

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

A. Land Use Districts

1. Residential

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

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

The existing residence on the property in question is in keeping with the description of the Residential Low Density FLUM category above.

Provide analysis of the availability of facilities and services.

The properties are in close proximity to a range of urban services and infrastructure. Both a water line and sewer line runs along Kennedy Street adjacent to the properties.



Figure 3: Group Home across Kennedy St. (above) Figure 4: Youth Shelter across Kennedy St. (below)



Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Assigning a City FLUM category to the properties is appropriate given that the small size of the lots in the surrounding Palatka Heights neighborhood are more in keeping with an urban designation. Also with small lots there is potential for septic tank failure and environmental degradation – City FLUM designation carries with it the connection to City sewer and water, which is not an option for County FLUMs.

Provide analysis of the minimum amount of land needed as determined by the local government.
Not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

Demonstrate that amendment does not further urban sprawl, as determined through the following tests.

- *Low-intensity, low-density, or single-use development or uses.*

The Palatka Heights neighborhood has a generalized density of around four units per acre, which is not low-density development.

Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

The location is not a rural area and is within the Palatka urban area.

Radial, strip, isolated, or ribbon development patterns.

Not applicable since this is not commercial development.

- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*

Not applicable since this is existing development.

- *Development that fails to maximize use of existing and future public facilities and services.*

These properties are well-situated to utilize existing and future public facilities and services.

- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*

Given their location with an urban service area, these properties can be efficiently served.

- *Development that fails to provide a clear separation between rural and urban uses.*

These properties are within an urban area.

- *Development that discourages or inhibits infill development and redevelopment.*

Not applicable as these properties are within a developed urban area.

- *Development that fails to encourage a functional mix of uses.*

Not applicable as these properties are single residential parcels.

- *Development that results in poor accessibility among linked or related land uses.*

Not applicable as these properties are single residential parcels.

Rezoning 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, 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.

As previously noted, the application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

b. The existing land use pattern.

The properties are existing uses and are consistent with current County and proposed City single-family residential FLUM and zoning designation.

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

Properties in the vicinity that are in the City have zoning that is either single-family or two family. The character of the neighborhood is generally single-family.

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

As existing single-family uses, impacts to City facilities will be marginal.

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

See response to c. above.

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

Conditions have not changed.

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

The change will not adversely affect living conditions as the uses are compatible single-family uses in regard to the surrounding neighborhood.

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

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

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

Not applicable as these are existing uses.

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

See response to g. above.

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

Not applicable as these are existing uses.

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

Providing a zoning designation to a property that is compatible with the existing use and surrounding neighborhood is not a grant of special privilege.

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

Not applicable as the City single-family zoning will be the same as the current County zoning.

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.*

Not applicable due to existing use.

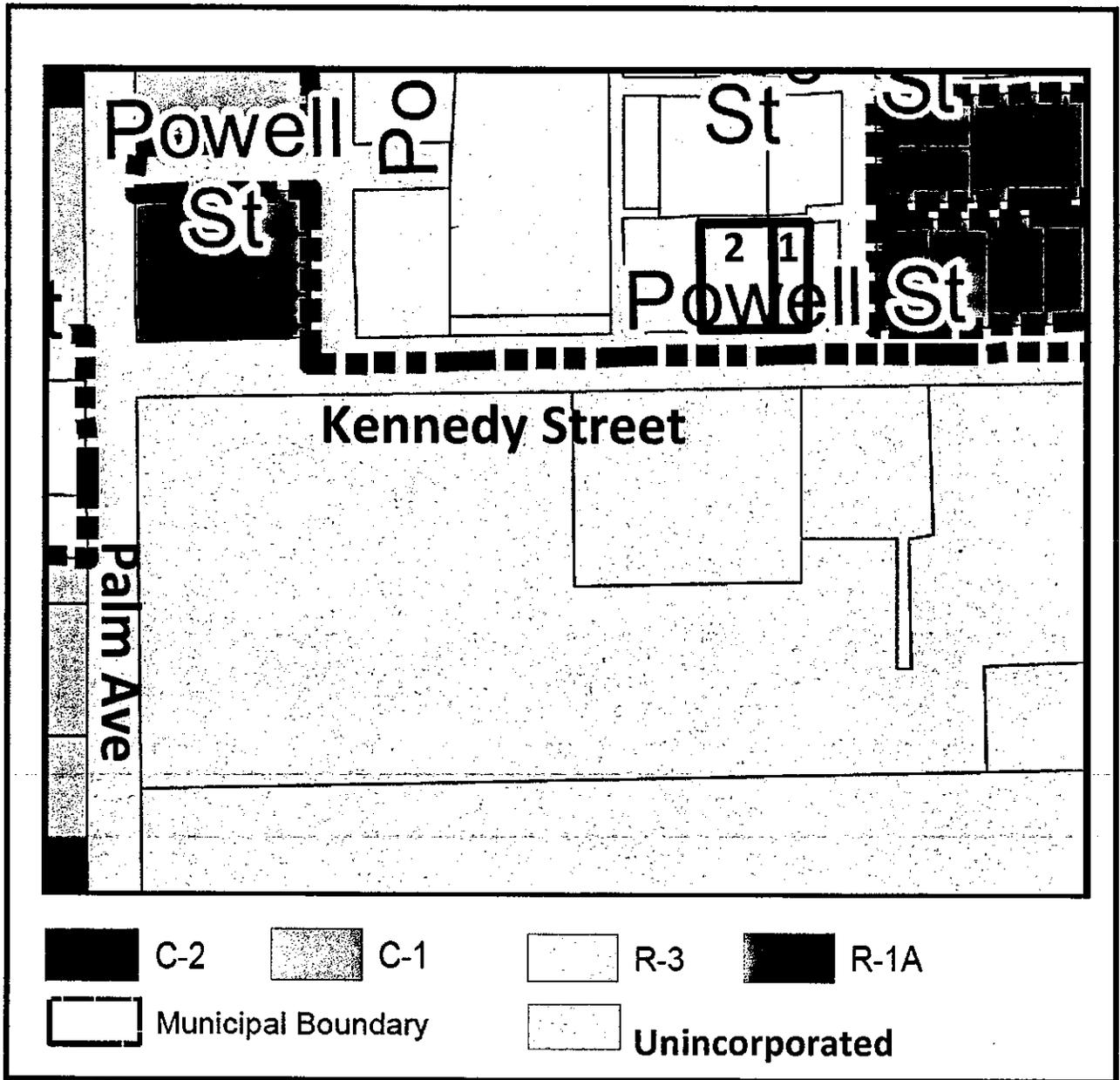
q. *The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

Not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of Case 11-30 and 11-34: annexation, amendment of future land use map category to RL, and rezoning to R-1A for 2908 and 2920 Kennedy St. (separate motions for each property).

2908 Kennedy Street and 2920 Kennedy Street (Zoning)



No.	Site(s)	Current Zoning	Proposed Zoning
1	2908 Kennedy Street	Unincorporated	
2	2920 Kennedy Street	Unincorporated	

Zoning Category Acronyms: C-2 (Commercial Intensive), C-1 (Commercial General), R-3 (Multi-Family Residential), R-1A (Single Family-Residential)

Application for Annexation

This application must be typed or printed in black ink and submitted with any required attachments and application fee of \$1,000 for Small Scale or \$1,500 for Large Scale (Checks payable to the City of Palatka) to:

City of Palatka Planning & Zoning
 201 N 2nd Street
 Palatka, FL 32177

FOR INFORMATION REGARDING THIS FORM, CALL (386) 329-0103

Application Number: PB - 11-30
Date Received: 6/10/11
Hearing date: 8/2/11

TO BE COMPLETED BY APPLICANT

1. Property Address: 2918 Kennedy St Palatka FL 32177		2. Parcel Number: 12-10-26-9050-570 0110		3. Current Property Use: Residential	
4. Current Land Use Designation: US		5. Requested Land Use Designation: RL		6. Required Attachments: <input type="checkbox"/> Legal Description <input type="checkbox"/> Letter of Authorization* <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative** <input type="checkbox"/> Supplementary Information*** <input type="checkbox"/> Site Map for display ad**** <input type="checkbox"/> Site Plan***** <input type="checkbox"/> Survey	
7. Current Zoning Designation: County R-1A		8. Requested Zoning Designation: RIA			
9. Acreage to be considered for request: 1.15		10. Number, types & square footage of structures on property: 1			
Reason for annexation request:					
Owner Name Dene & Deborah Berry			Agent Name		
Owner Address 105 Silver Beach Blvd			Agent Address Dorinda Palm Park FL 32181		
Phone Number 386-649-4105			Phone Number Home Cell 386-943-0288		

Applicant has paid for Water connection - is contiguous

- * Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.
- ** Project Narrative: Explain present and future use of the property in detail.
- *** Supplementary information that may be required with application relative to the following factors where applicable: Soils, Natural Vegetation/Wildlife; Wetlands (type, location and amount of acreage to the nearest one-hundredth acre), and Topography/Flood Prone Areas.
- **** Site map for ad to be to be in black & white, no larger than 2 1/2" x 3" with nearest intersecting streets shown and named.
- ***** Site Plan: Detailed project drawing

Paid \$ 1130.00 Flumss + Ryn per T. Crowe Rpt # 17595

RECEIVED

Application Number: PB - _____
Hearing date: _____

10. This application submitted by:

Signature of owner(s): Deborah Berry

Print owner(s) names(s): Deborah Berry

Signature of Agent(s): _____

Print Agent(s) names: _____

STATE OF Florida

County of Pulaski

Before me this day personally appeared Deborah S. Berry who executed the foregoing application and acknowledged to and before me that she executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 15th day of June A.D. 2011.



Betsy Jordan Driggers
Notary Public

My commission expires: 3-15-14 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted	2. Received By:	3. Confirm Zoning:	4. Confirm FLUM	5. Preliminary review by:
7. Sign(s) Posted Date: By:	8. Surrounding property owners notices sent: Date: By:	9. Legal Ad Ran: Date: Date:	10. Attachments Reviewed: <input type="checkbox"/> Letter of Authorization* <input type="checkbox"/> Legal Description <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative** <input type="checkbox"/> Supplementary Information*** <input type="checkbox"/> Site Map for display ad**** <input type="checkbox"/> Site Plan***** <input type="checkbox"/> Survey	
City Commission Hearing Date:				

Application for Rezoning

This application must be typed or printed in black ink and submitted with any required attachments and application fee of \$130 (Checks payable to the City of Palatka) to:

City of Palatka Planning & Zoning
201 N 2nd Street
Palatka, FL 32177

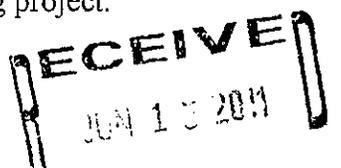
FOR INFORMATION REGARDING THIS FORM, CALL (386)329-0103

Application Number: _____
Date Received: _____
Hearing date: _____

TO BE COMPLETED BY APPLICANT		
1. Property Address: 2908 Keaneley St Palatka FL 32177		2. Current Property Use: Resident S A L
3. Parcel Number: 12/10-26-950-0070- 0110	4. Lot size/acreage: .15	5. Proposed Use: Resident S A L
6. Current Zoning Designation: County R-18	7. Requested Zoning Designation: R1A	8. Required Attachments: <input type="checkbox"/> Letter of Authorization* <input type="checkbox"/> Legal Description <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative** <input type="checkbox"/> If applicable, attach Small or Large Scale Future Land Use Amendment application
9. Square footage of any proposed structures:	10. Number & types of structures on property: 1	
8. Owner Name: Deborah Berry		
Owner Address: 105 Silver Beach Blvd Pomona Park FL 32181		
Phone Number: 386-983-0288		
9. Agent Name: _____		
Agent Address: _____		
Phone Number: _____		

*Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.

**Project Narrative: Explain present and future use of the property detailing project.



Application Number: PB _____

Hearing date: _____

10. This application submitted by:

Signature of owner(s): Deborah Berry

Print owner(s) names(s): Deborah Berry

Signature of Agent(s): _____

Print Agent(s) names: _____

STATE OF Florida

County of Putnam

Before me this day personally appeared Deborah J. Berry who executed the foregoing application and acknowledged to and before me that she executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 15th day of June A.D. 2011.



Betsy Jordan Driggers
Notary Public

My commission expires: 3-15-14 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted	2. Received By:	3. Current Zoning:	4. Requested Zoning:	5. Preliminary review by:
7. Sign(s) Posted Date: By:	8. Surrounding property owners notices sent: Date: By:	9. Legal Ad Ran: Date:	10. Attachments Reviewed: <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Legal Description <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative	
City Commission Meeting Date:				

NOTICE OF ANNEXATION AND REZONING

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at its next regular meetings to be held at 6:00 p.m. on the 27th day of October and on the 10th day of November, 2011, at Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, will consider the enactment of ordinances annexing and rezoning the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property as follows:

- A. AN ORDINANCE ANNEXING ONE PARCEL OF LAND, APPROXIMATELY 0.15 ACRES IN SIZE, LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, 2908 KENNEDY STREET, PALATKA, PUTNAM COUNTY; AND

Accompanied by the following entitled ordinance: AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R-1A (RESIDENTIAL 1, SINGLE-FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); AND PROVIDING AN EFFECTIVE DATE; AND

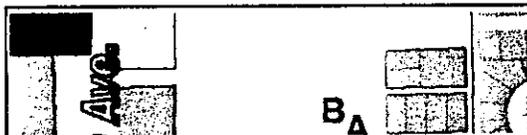
- B. AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY, 0.29 ACRES, IN SIZE LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, 2920 KENNEDY STREET, PALATKA, PUTNAM COUNTY; AND

Accompanied by the following entitled ordinance: AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R-1A (RESIDENTIAL 1, SINGLE-FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); AND PROVIDING AN EFFECTIVE DATE.

A map is attached hereto and a copy of the ordinances containing a copy of the legal description can be obtained from the office of the City Clerk at City Hall. 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 proposed ordinances. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



7341-82
10/27/11

Agenda
Item

5 a & b

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to annex and amend the Official Zoning Map for 2920 Kennedy Street **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Annexation and Rezoning Ordinances **MEETING** Oct 27, 2011
 2. Planning Board minutes excerpt August 23, 2011 meeting **DATE:**
 3. Planning Board memo excerpt

ISSUE: This is a request to annex property into the City and rezone from County to City zoning. The property contains a single-family home and the owner wishes to connect to City utilities. Both actions require a second reading, at which time the Future Land Use Map will be amended as a one-time action. The application was reviewed by City departments and we received no comments.

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

This instrument prepared by:
Thad Crowe, AICP
City of Palatka
201 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 2908 KENNEDY STREET, LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by all of the freehold owners of the property sought to be annexed, to wit:

Dene And Deborah Berry

WHEREAS, Chapter 171.044, Florida Statutes, permits the annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka, and

WHEREAS, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

Section 2. NOW THEREFORE, be it enacted by the people of the City of Palatka, Florida, that the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

DESCRIPTION OF PROPERTY:

TUCKERS ADDITION OF PALATKA HEIGHTS MB2 P40 BLK G LOTS 9 + 10
(Being tax parcel # 12-10-26-9050-0070-0090)

Section 3. The property hereby annexed shall remain subject to the County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

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 December, 2011.

CITY OF PALATKA

BY: _____

Its Mayor
ATTEST:

City Clerk

APPROVED AS TO FORM AND CORRECTNESS: _____

City Attorney

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 2920 KENNEDY STREET FROM PUTNAM COUNTY R-1A (RESIDENTIAL 1A, SINGLE FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

Section 1.

WHEREAS, application has been made by the owners, Dene and Deborah Berry, to the City for certain amendments to the Official Zoning Map 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 August 23, 2011, and two public hearings before the City Commission of the City of Palatka on November 10, 2011, and December 8, 2011, and

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

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of Putnam County R-1A (Residential 1A, Single Family) to R-1A (Single-Family Residential)

DESCRIPTION OF PROPERTY:

12-10-26-9050-0070-0090

TUCKERS ADDITION OF PALATKA HEIGHTS MB2 P40 BLK G LOTS 9 + 10

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 December, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk



CITY OF PALATKA PLANNING BOARD

Meeting Minutes August 23, 2011

Meeting called to order by Chairman Carl Stewart at 4:00 pm.

Other members present: Sue Roskosh, Earl Wallace, Anthony Harwell, Joseph Petrucci and Joe Pickens.

Members absent: Kenneth Venables.

Also present: Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the minutes of the July 5, 2011 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.

NEW BUSINESS

Case 11-30 **Address:** 2908 Kennedy St.
 Parcel #: (12-10-26-9050-0070-0110)
 Applicant/Owner: Dene and Deborah Berry

Request to annex, amend the Future Land Use Map from County US (Urban Service) to RL (Residential, Low Density) and rezone from County R-1A (Residential 1, Single-Family) to R-1A (Single-Family Residential)

Mr. Crowe advised that this case and the next case are both essentially the same type of request, made due to the need for city services. He added that these properties are adjacent to each other and are contiguous to the city. He showed a map of the area and pointed out where a section of unincorporated County is surrounded by the City. He stated that annexing these properties provides contiguity and reduces the existing enclave. He ended by saying that both requests meet the criteria for annexing, amending the Future Land Use Map and rezoning.

Motion made by Mr. Pickens to recommend approval of the request to the City Commission. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

Case 11-34 **Address:** 2920 Kennedy St.
 Parcel #: 12-10-26-9050-0070-0090
 Applicant/Owner: Terry N. Turk

Request to annex, amend the Future Land Use Map from County US (Urban Service) to RL (Residential Low Density) and rezone from County R-1A (Residential 1, Single-Family) to R-1A (Single-Family Residential)

Motion made by Mr. Pickens to recommend approval of the request to the City Commission. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

**Case 11-30 2908 Kennedy St, Case 11-34 2920 Kennedy St
Request to Annex, Amend Comprehensive Plan Map to RL,
and Rezone to R-1A**

Applicant: Dene & Deborah Berry, Terry N. Turk

STAFF REPORT

DATE: August 15, 2011
TO: Planning Board members
FROM: Thad Crowe, AICP, Planning Director

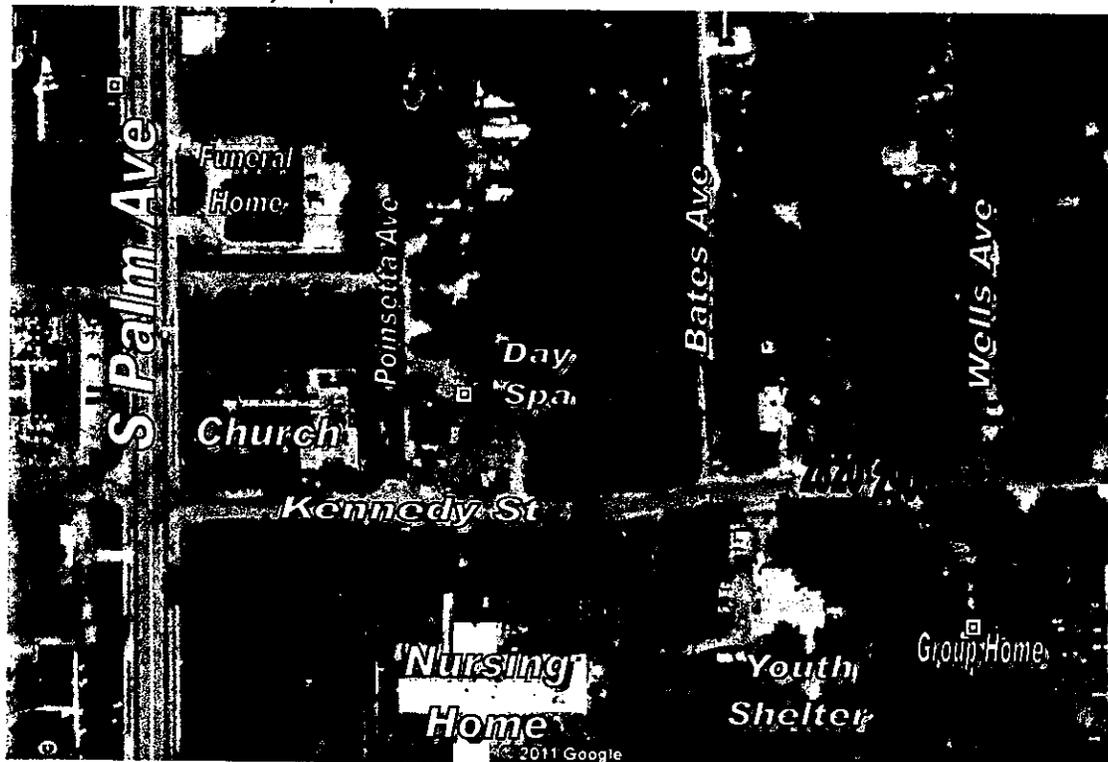
APPLICATION REQUEST

To annex, amend FLUM from County US (Urban Services) to RL (Residential Low Density), and rezone from County R-1A Residential, Single Family) to R-1A (Single-Family Residential). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

These neighboring properties are located at the fringe of a commercial/institutional area located around the intersection of S. Palm Ave. and Kennedy St. The area includes a retail/office center, credit union, church, funeral home, nursing home, and youth shelter, with residential uses north of Kennedy St. and east of Bates Ave.

Figure 1: Sites and Vicinity Map



The residential area generally bounded by Kennedy St. to the south, St. Johns Ave. to the north, Poinsetta St. to the west and Westover Dr. to the east is an unincorporated enclave, as shown in the graphic below (unincorporated County shown in the darker color, properties in question bounded in red).

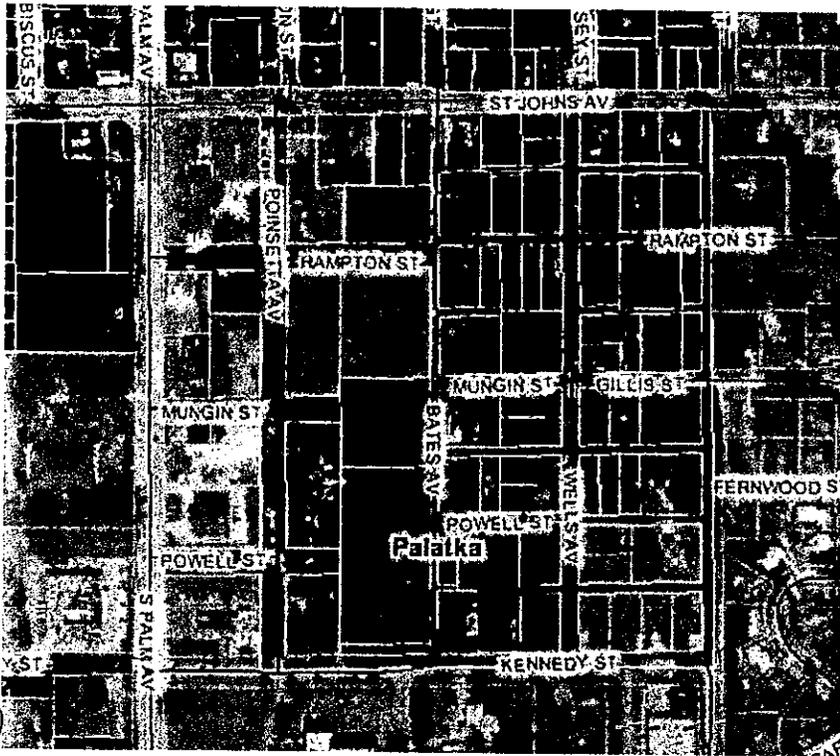


Figure 2: City and County Properties

The properties under consideration currently have County single-family land use and zoning. The table below site and surrounding property use classifications (see also attached maps).

Table 1: Use Classifications

Property	FLUM	Zoning	Existing Use
Site	(County) US (Urban Services)	(County) R-1A (Single Family)	Single-family home
Property to North	(County) US (Urban Services)	(County) R-1A (Single Family)	undeveloped
Property to South	OPF (Other Public Facilities)	R-3 (Multi-Family Residential)	Youth Shelter
Property to West	(County) US (Urban Services)	(County) R-1A (Single Family)	undeveloped
Property to East	(County) US (Urban Services)	(County) R-3 (Multiple Family)	Single-family home



Figure 1: 2908 Kennedy St

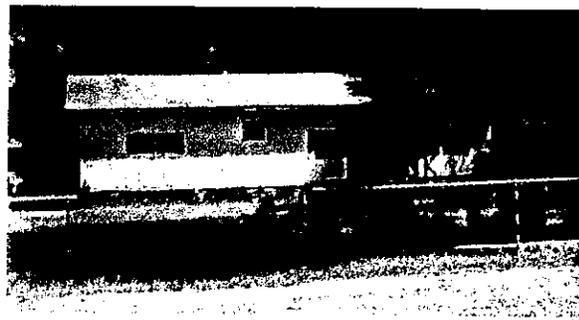


Figure 2: 2920 Kennedy St

PROJECT ANALYSIS

Annexation Analysis

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be "reasonably compact."

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. The definition further states that a road that comes between property boundaries and the municipal boundary shall not prevent annexation. The properties are contiguous to the city limits, which run along the south side of Kennedy Avenue. Therefore the properties are considered to be contiguous.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it is reducing the enclave shown in the last graphic.

Future Land Use Analysis

Florida House Bill 7129, recently signed by the Governor, provides amended criteria for consideration of comprehensive plan amendments under F.S. 163-3187, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined).

List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.

The application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

Policy A.1.9.3

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

A. Land Use Districts

1. Residential

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

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

The existing residence on the property in question is in keeping with the description of the Residential Low Density FLUM category above.

Provide analysis of the availability of facilities and services.

The properties are in close proximity to a range of urban services and infrastructure. Both a water line and sewer line runs along Kennedy Street adjacent to the properties.



Figure 3: Group Home across Kennedy St. (above) Figure 4: Youth Shelter across Kennedy St. (below)



Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Assigning a City FLUM category to the properties is appropriate given that the small size of the lots in the surrounding Palatka Heights neighborhood are more in keeping with an urban designation. Also with small lots there is potential for septic tank failure and environmental degradation – City FLUM designation carries with it the connection to City sewer and water, which is not an option for County FLUMs.

Provide analysis of the minimum amount of land needed as determined by the local government.
Not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

Demonstrate that amendment does not further urban sprawl, as determined through the following tests.

- *Low-intensity, low-density, or single-use development or uses.*

The Palatka Heights neighborhood has a generalized density of around four units per acre, which is not low-density development.

- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

The location is not a rural area and is within the Palatka urban area.

Radial, strip, isolated, or ribbon development patterns.

Not applicable since this is not commercial development.

- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
Not applicable since this is existing development.

- *Development that fails to maximize use of existing and future public facilities and services.*
These properties are well-situated to utilize existing and future public facilities and services.

- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
Given their location with an urban service area, these properties can be efficiently served.

- *Development that fails to provide a clear separation between rural and urban uses.*
These properties are within an urban area.

- *Development that discourages or inhibits infill development and redevelopment.*
Not applicable as these properties are within a developed urban area.

- *Development that fails to encourage a functional mix of uses.*
Not applicable as these properties are single residential parcels.

- *Development that results in poor accessibility among linked or related land uses.*
Not applicable as these properties are single residential parcels.

Rezoning 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, 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.

As previously noted, the application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

b. The existing land use pattern.

The properties are existing uses and are consistent with current County and proposed City single-family residential FLUM and zoning designation.

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

Properties in the vicinity that are in the City have zoning that is either single-family or two family. The character of the neighborhood is generally single-family.

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

As existing single-family uses, impacts to City facilities will be marginal.

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

See response to c. above.

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

Conditions have not changed.

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

The change will not adversely affect living conditions as the uses are compatible single-family uses in regard to the surrounding neighborhood.

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

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

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

Not applicable as these are existing uses.

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

See response to g. above.

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

Not applicable as these are existing uses.

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

Providing a zoning designation to a property that is compatible with the existing use and surrounding neighborhood is not a grant of special privilege.

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

Not applicable as the City single-family zoning will be the same as the current County zoning.

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

See response to g. above.

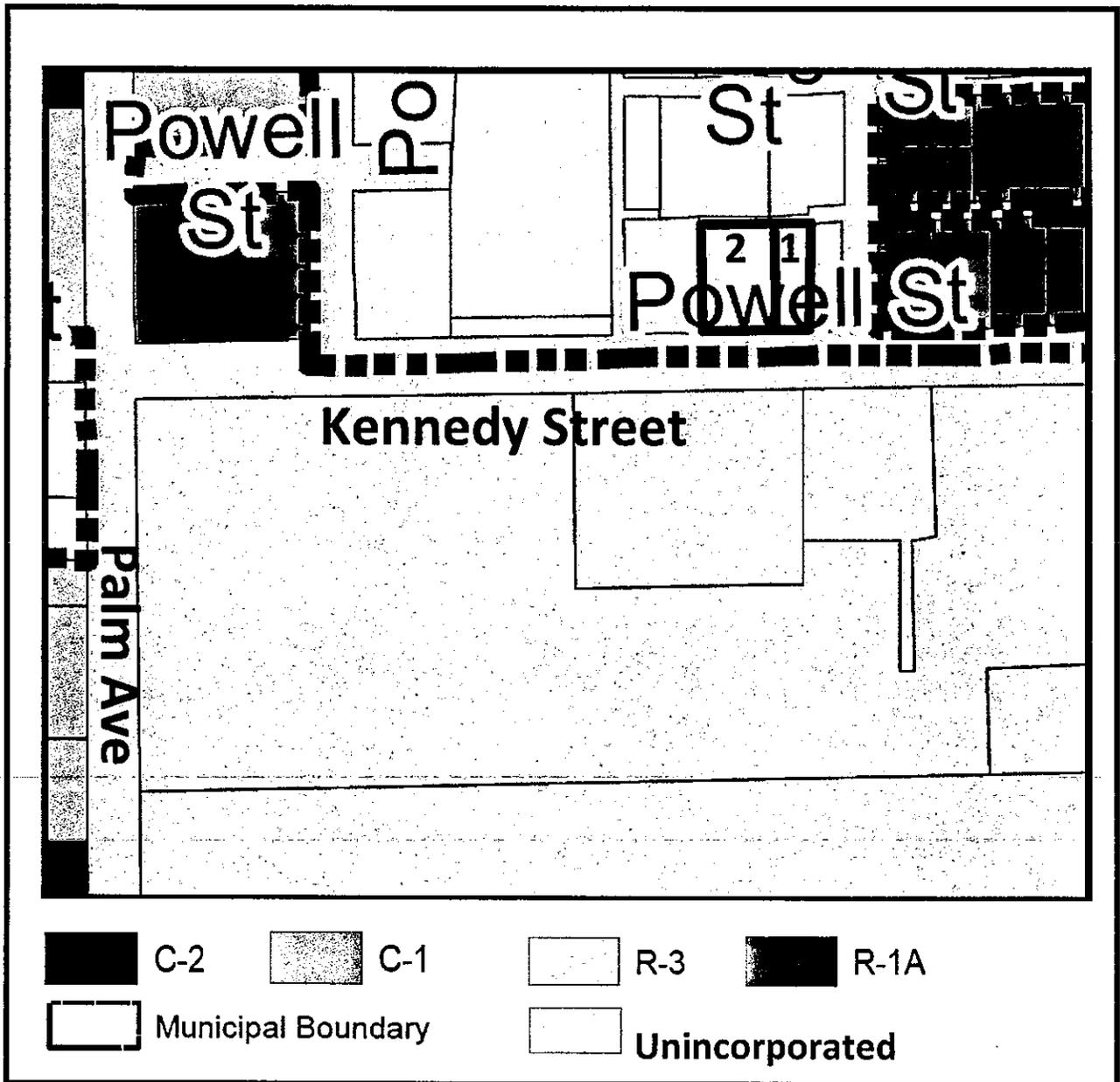
○. *Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*
Not applicable due to existing use.

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.*
Not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of Case 11-30 and 11-34: annexation, amendment of future land use map category to RL, and rezoning to R-1A for 2908 and 2920 Kennedy St. (separate motions for each property).

2908 Kennedy Street and 2920 Kennedy Street (Zoning)



No.	Site(s)	Current Zoning	Proposed Zoning
1	2908 Kennedy Street	Unincorporated	
2	2920 Kennedy Street	Unincorporated	

Zoning Category Acronyms: C-2 (Commercial Intensive), C-1 (Commercial General), R-3 (Multi-Family Residential), R-1A (Single Family-Residential)

Application for Annexation, Future Land Use amendment (small Scale – less than 10 acres) and Rezoning

PB Case # **11-34**
 Date Received: **7/14/11**
 Hearing date: **8/23/11**

This application must be typed, legibly printed in ink, or completed electronically and submitted with any required attachments and application fee of \$1,130.00 to:

City of Palatka Planning & Zoning
 201 N 2nd Street
 Palatka, FL 32177
 psprouse@palatka-fl.gov

FOR INFORMATION REGARDING THIS FORM, CALL (386) 329-0103

TO BE COMPLETED BY APPLICANT		
1. Property Address: Palatka, FL 2920 Kennedy St.	2. Parcel Number: 12 10 26 90 50 0070 0090	3. Current Property Use:
4. Current Land Use Designation: Urban Service	5. Requested Land Use Designation: res low	6. Required Attachments: <input type="checkbox"/> Legal Description <input type="checkbox"/> Letter of Authorization ¹ <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative ² <input type="checkbox"/> Supplementary Information ³ <input type="checkbox"/> Site Map ⁴ <input type="checkbox"/> Survey
7. Current Zoning Designation: R-1A	8. Requested Zoning Designation: Single family	
9. Acreage to be considered for request: .29	10. Number, types & square footage of structures on property: Dw mkt 24x50	
11. Reason for annexation request: no water - well dry dry.		
12. Owner Name: Terry A. Turk	14. Phone Number: 386-328-7549	15. Email Address: terry@n/a
13. Owner Address: 2920 Kennedy St. Palatka, FL 32177		
16. Agent Name:	18. Phone Number:	19. Email Address:
17. Agent Address:		

1. Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.
2. Project Narrative: Explain present and future use of the property in detail.
3. Supplementary information that may be required with application relative to the following factors where applicable: Soils, Natural Vegetation/Wildlife; Wetlands (type, location and amount of acreage to the nearest tenth acre), and Topography/Flood Prone Areas.
4. Site map with nearest intersecting streets shown and named.

20. This application submitted by:

Signature of owner(s): Terry N. Turk
Tanya Turk

Print owner(s) names(s):

Signature of Agent(s):

Print Agent(s) names:

Application Number: PB Case #
Hearing date:

STATE OF Florida

County of Duval

Before me this day personally appeared Terry N. Turk who executed the foregoing application and acknowledged to and before me that Terry N. Turk executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 13 day of July A.D. 2011.



Brenda S. Parish
Notary Public

My commission expires: August 2014 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted	2. Received By:	3. Confirm Zoning:	4. Confirm FLUM	5. Preliminary review by:
6. Date Notice sent to County:		7. Legal Ad Ran: 1 st Date: 2 nd Date:	8. Attachments Reviewed: <input type="checkbox"/> Legal Description <input type="checkbox"/> Letter of Authorization ¹ <input type="checkbox"/> Copy of Recorded Deed <input type="checkbox"/> Fees <input type="checkbox"/> Project Narrative ² <input type="checkbox"/> Supplementary Information ³ <input type="checkbox"/> Site Map ⁴ <input type="checkbox"/> Survey	
9. City Commission 1 st Reading Date:				
10. City Commission 2 nd Reading Date:				

NOTICE OF ANNEXATION AND REZONING

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at its next regular meetings to be held at 6:00 p.m. on the 27th day of October and on the 10th day of November, 2011, at Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, will consider the enactment of ordinances annexing and rezoning the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property as follows:

- A. AN ORDINANCE ANNEXING ONE PARCEL OF LAND, APPROXIMATELY 0.15 ACRES IN SIZE. LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, 2908 KENNEDY STREET, PALATKA, PUTNAM COUNTY; AND

Accompanied by the following entitled ordinance: AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R-1A (RESIDENTIAL 1, SINGLE-FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); AND PROVIDING AN EFFECTIVE DATE; AND

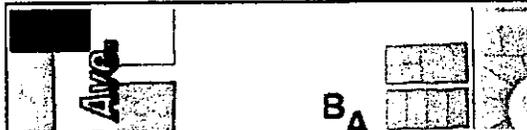
- B. AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY, 0.29 ACRES, IN SIZE LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, 2920 KENNEDY STREET, PALATKA, PUTNAM COUNTY; AND

Accompanied by the following entitled ordinance: AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R-1A (RESIDENTIAL 1, SINGLE-FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); AND PROVIDING AN EFFECTIVE DATE.

A map is attached hereto and a copy of the ordinances containing a copy of the legal description can be obtained from the office of the City Clerk at City Hall. 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 proposed ordinances. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



341-82
10/27/11

*Agenda
Item*

6

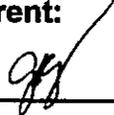
**REQUEST TO BE PLACED ON
CITY COMMISSION AGENDA**

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. This request form, together with any attachments or backup material that that would help the Commission to better consider your request, should be submitted to the City Clerk's office *no later than 4:00 p.m. on the Friday prior to the next regularly scheduled Thursday City Commission meeting.* Meeting dates are subject to change. Please verify the closing date for agenda items with the Clerk's office.

Name of Individual, Organization or Group making presentation or request:

Palatka Police Department, Chief Gary Getchell

Name of Individual making presentation or request, if different:

GARY GETCHELL, CHIEF OF POLICE 

Address: 110 NORTH 11TH STREET

Daytime Phone 329-0110 Home ph. _____ Fax 329-0159

Requested meeting date for Agenda Item: 10/13/2011

Request for Commission Action x or Presentation Only ___ or no action required ___

Subject Matter you wish to address: To be placed on Agenda – Request the approval of attached revised ordinances repealing Sections 46-6 and 50-49 as it relates to the regulation of firearms and ammunition.

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.



**Palatka Police Department
110 North 11th Street**

To: City Commission, via City Clerk

From: Gary Getchell, chief of Police

Date: October 4, 2011

Re: Repeal of City Ordinance Section 46-6 and 50-49

BACKGROUND:

This summer the State Legislature passed a bill which took affect October 1, 2011 and amends Florida Statute 790.33 relating to regulation of firearms and ammunition. This preempts regulation of firearms to the State. Any local government can be fined \$5,000, with the individual local government official personally responsible for the costs/fine.

DISCUSSION:

Any such existing ordinances or regulations are now deemed null and void because of this new legislation. There may be more legislation or some modification in the future. The State does not want local government officials adopting an ordinance or enforcing an ordinance in the preempted field that can get in the way of State regulations.

RECOMMENDATIONS:

It is recommended that the City Commission repeal our existing ordinances.

ORDINANCE NO. _____

Entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 46-6, RELATING TO THE DISCHARGE OF GUNS OR PISTOLS WITHIN THE CITY LIMITS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 86, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the passage of House Bill 45 by the Florida Legislature with eventual enactment by gubernatorial signature on June 1, 2011 preempts the entire field of regulation of firearms and ammunition to the exclusion of all existing and future municipal ordinances; and

WHEREAS, any existing ordinances, rules or regulations relating to the regulation of firearms and ammunition have been declared null and void by the State of Florida;

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

Section 1. That Section 46-6 of the Palatka Municipal Code, entitled "Discharging airgun or slinghot; discharging missiles generally" be hereby deleted in its entirety, and all subsequent sections of Chapter 46, Article I, be renumbered accordingly to accommodate the removal of this section, if necessary;

Section II. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section III. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section IV. That this ordinance shall take effect upon its passage as provided by law.

Section V. 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.

PASSED AND ADOPTED by the City Commission of the City of Palatka on second reading this 27th day of October, 2011.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

CITY ATTORNEY

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29 vehicles for specified nonpayment of damages; providing
 30 exceptions to prohibitions of the section; providing an
 31 effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Section 790.33, Florida Statutes, is amended to
 36 read:

37 790.33 Field of regulation of firearms and ammunition
 38 preempted.—

39 (1) PREEMPTION.—Except as expressly provided by general
 40 law, the Legislature hereby declares that it is occupying the
 41 whole field of regulation of firearms and ammunition, including
 42 the purchase, sale, transfer, taxation, manufacture, ownership,
 43 possession, storage, and transportation thereof, to the
 44 exclusion of all existing and future county, city, town, or
 45 municipal ordinances or regulations relating thereto. Any such
 46 existing ordinances or regulations are hereby declared null and
 47 void. ~~This subsection shall not affect zoning ordinances which~~
 48 ~~encompass firearms businesses along with other businesses.~~
 49 ~~Zoning ordinances which are designed for the purpose of~~
 50 ~~restricting or prohibiting the sale, purchase, transfer, or~~
 51 ~~manufacture of firearms or ammunition as a method of regulating~~
 52 ~~firearms or ammunition are in conflict with this subsection and~~
 53 ~~are prohibited.~~

54 (2) PROHIBITIONS.—The following entities may not, when
 55 acting in their official capacity or otherwise under color of
 56 law, regulate or attempt to regulate firearms or ammunition in

57 any manner, whether by the enactment or enforcement of any
 58 ordinance, regulation, measure, directive, rule, enactment,
 59 order, policy, or exercise of proprietary authority, or by any
 60 other means, except as specifically authorized by this section
 61 or by general law:

62 (a) A local government.

63 (b) A special district.

64 (c) A political subdivision.

65 (d) A governmental authority, commission, or board.

66 (e) A state governmental agency.

67 (f) Any official, agent, employee, or person, whether
 68 public or private, who works or contracts with any state or
 69 other governmental entity.

70 (g) Any entity that serves the public good when such
 71 service is provided in whole or in part by any governmental
 72 entity or utilizes public support or public funding.

73 (h) Any public entity other than those specified in this
 74 subsection, including, but not limited to, libraries, convention
 75 centers, fairgrounds, parks, and recreational facilities.

76 (i) Any body to which authority or jurisdiction is given
 77 by any unit or subdivision of any government or that serves the
 78 public good in whole or in part with public support,
 79 authorization, or funding or that has the authority to establish
 80 rules or regulations that apply to the public use of facilities,
 81 property, or grounds.

82 ~~(2) LIMITED EXCEPTION; COUNTY WAITING PERIOD ORDINANCES.—~~

83 ~~(a) Any county may have the option to adopt a waiting-~~
 84 ~~period ordinance requiring a waiting period of up to, but not to~~

85 ~~exceed, 3 working days between the purchase and delivery of a~~
 86 ~~handgun. For purposes of this subsection, "purchase" means~~
 87 ~~payment of deposit, payment in full, or notification of intent~~
 88 ~~to purchase. Adoption of a waiting period ordinance, by any~~
 89 ~~county, shall require a majority vote of the county commission~~
 90 ~~on votes on waiting period ordinances. This exception is limited~~
 91 ~~solely to individual counties and is limited to the provisions~~
 92 ~~and restrictions contained in this subsection.~~

93 ~~(b) Ordinances authorized by this subsection shall apply~~
 94 ~~to all sales of handguns to individuals by a retail~~
 95 ~~establishment except those sales to individuals exempted in this~~
 96 ~~subsection. For purposes of this subsection, "retail~~
 97 ~~establishment" means a gun shop, sporting goods store, pawn~~
 98 ~~shop, hardware store, department store, discount store, bait or~~
 99 ~~tackle shop, or any other store or shop that offers handguns for~~
 100 ~~walk-in retail sale but does not include gun collectors shows or~~
 101 ~~exhibits, or gun shows.~~

102 ~~(c) Ordinances authorized by this subsection shall not~~
 103 ~~require any reporting or notification to any source outside the~~
 104 ~~retail establishment, but records of handgun sales must be~~
 105 ~~available for inspection, during normal business hours, by any~~
 106 ~~law enforcement agency as defined in s. 934.02.~~

107 ~~(d) The following shall be exempt from any waiting period:~~

108 ~~1. Individuals who are licensed to carry concealed~~
 109 ~~firearms under the provisions of s. 790.06 or who are licensed~~
 110 ~~to carry concealed firearms under any other provision of state~~
 111 ~~law and who show a valid license,~~

112 ~~2. Individuals who already lawfully own another firearm~~

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113 ~~and who show a sales receipt for another firearm; who are known~~
 114 ~~to own another firearm through a prior purchase from the retail~~
 115 ~~establishment; or who have another firearm for trade in;~~

116 ~~3. A law enforcement or correctional officer as defined in~~
 117 ~~s. 943.10;~~

118 ~~4. A law enforcement agency as defined in s. 934.02;~~

119 ~~5. Sales or transactions between dealers or between~~
 120 ~~distributors or between dealers and distributors who have~~
 121 ~~current federal firearms licenses; or~~

122 ~~6. Any individual who has been threatened or whose family~~
 123 ~~has been threatened with death or bodily injury, provided the~~
 124 ~~individual may lawfully possess a firearm and provided such~~
 125 ~~threat has been duly reported to local law enforcement.~~

126 (3) POLICY AND INTENT.—

127 (a) It is the intent of this section to provide uniform
 128 firearms laws in the state; to declare all ordinances and
 129 regulations null and void which have been enacted by any
 130 jurisdictions other than state and federal, which regulate
 131 firearms, ammunition, or components thereof; to prohibit the
 132 enactment of any future ordinances or regulations relating to
 133 firearms, ammunition, or components thereof unless specifically
 134 authorized by this section or general law; and to require local
 135 jurisdictions to enforce state firearms laws.

136 (b) It is further the intent of this section to deter and
 137 prevent the violation of this section, the abuse of official
 138 authority that occurs when local enactments are knowingly passed
 139 in violation of state law, and the violation under color of
 140 local authority of rights protected under the constitution and

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141 laws of this state.

142 (4) PENALTIES.—

143 (a) Any person who, or entity that, knowingly and
144 willfully violates a provision of this section commits a felony
145 of the third degree, punishable as provided in s. 775.082 or s.
146 775.083.

147 (b)1. Except as required by s. 16, Art. I of the State
148 Constitution or the Sixth Amendment to the United States
149 Constitution, public funds may not be used to defend the
150 unlawful conduct of any person charged with a knowing and
151 willful violation of this section, unless the charges against
152 such person are dismissed or such person is determined to be not
153 guilty at trial.

154 2. Notwithstanding subparagraph 1., public funds may be
155 expended to provide the services of the office of public
156 defender or court-appointed conflict counsel as provided by law.

157 (c) The governmental entity in whose service or employ a
158 provision of this section is violated may be assessed a fine of
159 not more than \$5 million if the court determines that the
160 violation was willful and that any person at the governmental
161 entity with oversight of the offending official, designee,
162 contractee, or employee knew or in the exercise of ordinary care
163 should have known the act was a violation. Fines assessed under
164 this section shall be deposited in equal amounts into the
165 administrative account of the state attorney and the
166 administrative account of the court in the jurisdiction in which
167 the offense occurred and was prosecuted.

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168 (d) The state attorney in the appropriate jurisdiction
169 shall investigate complaints of criminal violations of this
170 section and, where the state attorney determines probable cause
171 of a violation exists, shall prosecute violators. Any state
172 attorney who fails to execute his or her duties under this
173 section may be held accountable under the appropriate Florida
174 rules of professional conduct.

175 (e) A knowing and willful violation of any provision of
176 this section by a person acting in an official capacity for any
177 of the entities specified in this section or otherwise under
178 color of law shall be cause for immediate termination of
179 employment or contract or removal from office by the Governor.

180 (f) A person or an organization whose membership is
181 adversely affected by any ordinance, regulation, measure,
182 directive, rule, enactment, order, or policy promulgated or
183 enforced in violation of this section may file suit in an
184 appropriate court for declarative and injunctive relief and for
185 all actual and consequential damages attributable to the
186 violation. A court shall award the prevailing plaintiff in any
187 such suit:

188 1. Attorney's fees in the trial and appellate courts to be
189 determined by the rate used by the federal district court with
190 jurisdiction over the political subdivision for civil rights
191 actions;

192 2. Liquidated damages of three times the attorney's fees
193 under subparagraph 1.; and

194 3. Litigation costs in the trial and appellate courts.
195

196 Interest on the sums awarded pursuant to this subsection shall
 197 accrue at 15 percent from the date on which suit was filed.
 198 Where applicable, payment may be secured by seizure against any
 199 municipal vehicles used or operated for the benefit of any
 200 elected officeholder in the appropriate municipality if not paid
 201 within 72 hours after the order's enrollment and publication.

202 (5) EXCEPTIONS.—This section does not prohibit:

203 (a) Zoning ordinances that encompass firearms businesses
 204 along with other businesses, except that zoning ordinances that
 205 are designed for the purpose of restricting or prohibiting the
 206 sale, purchase, transfer, or manufacture of firearms or
 207 ammunition as a method of regulating firearms or ammunition are
 208 in conflict with this subsection and are prohibited;

209 (b) A duly organized law enforcement agency from enacting
 210 and enforcing regulations pertaining to firearms, ammunition, or
 211 firearm accessories issued to or used by peace officers in the
 212 course of their official duties;

213 (c) Except as provided in s. 790.251, any entity listed in
 214 paragraphs (2)(a)-(i) from regulating or prohibiting the
 215 carrying of firearms and ammunition by an employee of the entity
 216 during and in the course of the employee's official duties; or

217 (d) A court or administrative law judge from hearing and
 218 resolving any case or controversy or issuing any opinion or
 219 order on a matter within the jurisdiction of that court or
 220 judge.

221 (6) ~~(b)~~ SHORT TITLE.—As created by chapter 87-23, Laws of
 222 Florida, this section shall be known and may be cited as the
 223 "Joe Carlucci Uniform Firearms Act."

HB 45

2011

224

Section 2. This act shall take effect upon becoming a law.

Sec. 46-6. - Discharging airgun or slingshot; discharging missiles generally.

- (a) It shall be unlawful for any person to discharge any airgun or slingshot within the city limits, or to wantonly or maliciously discharge, shoot or throw any missile.
- (b) The officer making any arrest under this section shall take possession of any arms or weapons found upon the person arrested and shall retain the arms or weapons until after the trial of such person, and if he is convicted such arms or weapons shall be forfeited to the city.

(Code 1981, § 13-10)

*Agenda
Item*

7

This instrument prepared by:
Betsy J. Driggers
201 North 2nd Street
Palatka, FL 32177

ORDINANCE NO. _____

Entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 50-46, RELATING TO THE CARRYING OR DISCHARGE OF GUNS OR PISTOLS WITHIN OR INTO CITY PARKS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 46, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the passage of House Bill 45 by the Florida Legislature with eventual enactment by gubernatorial signature on June 1, 2011 preempts the entire field of regulation of firearms and ammunition to the exclusion of all existing and future municipal ordinances; and

WHEREAS, any existing ordinances, rules or regulations relating to the regulation of firearms and ammunition have been declared null and void by the State of Florida;

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

Section 1. That Section 50-49 of the Palatka Municipal Code, entitled "firearms and other weapons; traps; shooting into park areas" be hereby deleted in its entirety, and all subsequent sections of Chapter 50, Article II, be renumbered accordingly to accommodate the removal of this section, if necessary;

Section II. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section III. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section IV. That this ordinance shall take effect upon its passage as provided by law.

Section V. 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.

PASSED AND ADOPTED by the City Commission of the City of Palatka on second reading this 27th day of October, 2011.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

CITY ATTORNEY

Sec. 50-49. - Firearms and other weapons; traps; shooting into park areas.

No person in a park shall use, carry or possess firearms of any description, or air rifles, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(Code 1981, § 13½-29)

*Agenda
Item*

8

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Sections 94-141 through 94-146 to allow limited signage for churches and child care facilities in residential zoning districts

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board minutes excerpt August 23, 2011 meeting
3. Planning Board memo excerpt

MEETING DATE: Oct 13, 2011

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. It is common in most jurisdictions to allow limited signage for churches and child care facilities located in residential zoning districts. Such existing facilities in the City have signage, which is now not allowed by Code. This amendment allows modest ground signs for these uses, not to exceed six feet in height and 30 square feet in size. The amendment also allows for wall signs for these uses, not to exceed 30 square feet in size (reduced from the original staff recommendation of 50 square feet).

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. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTIONS 94-141, 94-142, 94-143, 94-144, 94-145, AND 94-146 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT AND THIRTY SQUARE FEET IN SIZE AND WALL SIGNS LIMITED TO THIRTY SQUARE FEET IN SIZE FOR CHURCHES AND CHILD CARE FACILITIES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 August 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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. Subpart (g) of Zoning Code Section 94-141 shall be amended as follows, with new language indicated by underlining:

- (g) *Permitted signs.* Permitted signs in the R-1AA district are as follows (see also chapter 62): Real estate signs not exceeding four square feet appertaining to the lease, rental or sale of the

building or premises on which the sign is located. In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-142 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-1A district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-143 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-1 district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-144 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-2 district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-145 shall be amended as follows:

- (g) *Permitted signs.* (See also chapter 62.) Permitted signs in the R-3 district are the same as for the R-1AA district, and in addition, wall signs, and a ground sign shall be allowed for a church or child

care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-146 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-4 district are the same as for the R-1AA district, and in addition, one ground sign not exceeding 32 square feet for each street frontage, and a ground sign shall also be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet. (See also chapter 62.)

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

DRAFT COPY

managed and maintained property to put these folks in. If someone is living in a house right now and is 65 and older, they are going to have the same requirement for ambulance other services where they live now as will if you put them into this new place, so he didn't believe there would be any great additional impact to emergency/medical service.

Mr. Crowe explained that the Planning Board has very specific criteria they must stay tethered to in considering the Conditional Use, however, he agreed with Mr. Holmes's comment during the continued discussion, in that compatibility with adjacent properties and in the public interest seem to be the two areas of concern for the Board, and that the impacts on public interest can sometimes be the most difficult to put into words.

Motion by Mr. Harwell to deny case 11-33, citing criteria items I and L, with large concerns for compatibility not only with the architecture but also the surrounding uses; the existing College, potential dorms and the potential reopening of the existing group home structure to the north. Motion was seconded by Mr. Petrucci. All present voted. Motion carried with 5 yeas and 1 abstention.

Case 11-36

Request for the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and thirty square feet in size; and to allow wall signs for such uses limited to thirty square feet in size.

Mr. Crowe explained that this is more housekeeping and explained that many times a child care facility and churches go through a conditional use process and then find that they cannot put up a sign. Through area research, staff has found that typical sign standards for churches and daycares in residential areas allow for limited ground and wall signs, and do not affect the character of the neighborhood.

Motion made by Mr. Pickens and seconded by Mr. Harwell to approve item #1. All present voted affirmative, motion carried.

2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and thirty square feet in size.

Mr. Crowe explained that this code amendment will allow for awning signs, ground signs, projecting signs and wall signs in the downtown districts. Most ground signs would be excluded from downtown properties due to the proposed 5' sign setback, however it would be appropriate for historic homes (converted to businesses) and buildings set back from the right-of-way to have such limited ground signs without taking away from the architecture and allowing people to find the place of business.

Motion made by Mr. Pickens and seconded by Mr. Harwell to accept item # 2 as presented with an additional parameter added that there be an 8' width maximum. All present voted affirmative, motion carried.

3. Amend Chapter 94 Sections 94-200 to revise the definition of Farmer's Markets, and to amend Section 94-201 to provide for conditions for such uses.

Request to Amend Municipal Code

(Churches & child care signs in residential zoning, ground signs in downtown zoning, farmers' market definition & conditions, Conditional Use notice, variance criteria)

Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: August 16, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

- 1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and 30 square feet in size; and to allow wall signs for such uses limited to 30 square feet in size.
2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and 30 square feet in size.
3. Amend Chapter 94 Sections 94-200 to amend the definition of Farmer's Markets, and to Section 94-201 to provide for conditions for such uses.
4. Amend Chapter 94 Section 94-3 to change newspaper and mail notice period for Conditional Uses from 30 days to 15 days, and to change required type of mail service from certified to regular.
5. Amend Chapter 94 Section 94-71 to provide variance criteria.

While public notice is not required for Planning Board consideration of Code changes, these amendments were advertised in the August 13, 2011 edition of the Palatka Daily News.

APPLICATION BACKGROUND

Churches & Child Care Signage in Residential Districts

The Board recommended approval of allowing for various sign types in nonresidential districts at their June meeting. However no changes were recommended to the Sign Code regarding signs in residential districts. The only signs now allowed in residential districts are real estate (for sale or for rent) signs not greater than four square feet. Additionally political signs allowed in any zoning district with timeframe limitations (such signs can only be posted 50 days or less prior to primary elections, and must be removed within 14 days after an election). Churches and child care facilities are allowed in residential zoning districts as Conditional Uses. It is reasonable to allow for signage for such uses, but at the same time it is important to limit such signage in a way that preserves residential character.

Table with 3 columns: Church, Approx. Sign Area in Square Feet, Approx. Sign Height in Feet. Rows include St. Marks Episcopal, Round Lake Day Care, 1st Presbyterian, 7th Day Adventist, Victory Faith, and St. Johns Baptist.

Examples of existing signs within the City are shown below. Note that the Sign Code defines sign area as the total surface of a sign, including the background, frame and ornamentation, but not structural supporting elements outside of its frame.



Other cities have relatively small sign size and height standards for churches and child care facilities as noted below.

City	Max. Sign Area in Square Feet	Max. Sign Height in Feet
Ft. Myers	20	15
Homestead	24	N/A
Ocala	24	8
Palmetto	30	N/A
Hallandale Beach	32	4
Apopka	32	10
Lauderdale Lakes	48	6
Lake Wales	54	10
St. Cloud	64	N/A

Based on the need to control signage size and height in residential areas, along with the relatively limited size of existing church signs and the practice of other jurisdictions, staff recommends limiting ground signs for churches and child care facilities to 30 square feet and six feet in height. Staff also recommends allowing wall signs on such buildings up to 50 square feet, which is far less than the allowable 200 square feet in commercial zoning districts.

Ground Signs in Downtown Zoning Districts

The Planning Board recently recommended changes to the sign code, accepting Staff's intent to strike a balance between the current overly restrictive (and outright prohibitive) standards and a permissive scenario where all signs were allowed anywhere. This is intended to allow businesses who received sign approvals through the permitting process, despite such signs not being allowed in the Zoning Code and with sign permits issued in error, to have legal and conforming signs. This does not prevent the City from revisiting the sign ordinance in the future in a more detailed manner to determine what is "on the ground" and what type of signage environment the City strives for. This middle ground of the proposed sign standards is apparent in that pole signs are only allowed in C-1, C-2, and M-2 (previously they were incorrectly allowed in all nonresidential districts).

Regarding allowable signage downtown: the recently recommended standards (up for adoption by the City Commission on August 25th) only allow awning signs, ground signs, projecting signs, and wall signs in the downtown districts (we will be adding the previously agreed-upon sandwich signs to this list as this was an oversight in the staff recommendations). The exclusion of pole signs, roof signs, banner signs, changeable copy signs, electronic signs, flashing signs, marquee signs, portable signs, roof signs, snipe signs, and temporary signs from downtown zoning districts is appropriate given the unique architectural and historic character of the downtown. Awning signs, projecting signs, and wall signs are all commonplace in the downtown and in the historic timeframe of the downtown were typically utilized. As far as ground signs, Staff proposes to allow them in the downtown area for the following reasons:

- The Planning Board at their July meeting approved staff's recommendations that all (freestanding) signs be set back at least five feet from property lines (coming to the Commission in August). This would exclude ground signs from most downtown properties as the property line is typically the inside edge of the sidewalk, which is usually the front building façade or very close to this façade.
- There are precedents in the downtown (and historic districts) where ground signs have been allowed, including historical residences that have been converted to nonresidential use, and churches and office buildings set back from the right-of-way. These buildings are typically set back anywhere from 10 to 20 feet from the front property line and wall signs either cannot easily be seen due to tree cover or they would obscure architectural elements on the buildings. Examples of existing buildings like this with ground signs are: 200 Main St (St. Marks Church), 210 S. 4th (St. Monica Church Annex), Tilghman House (River St), Henly Insurance (4th & Reid), RCMA Putnam Co (120 Main St), Farm Credit of North Florida (Madison & 3rd), 205 N. 2nd St (City Building and Zoning Dept.) and 220 Madison St (Azalea House B&B). The Historic Preservation Board also in May approved a COA allowing a 3' wide by 2' high ground sign for 520 Oak St in the Downtown Business District.

*Agenda
Item*

9

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Sections 94-161 & 94-162 to limit ground sign size in downtown zoning districts to six feet in height, 30 square feet in size, and eight feet in width. **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance **MEETING DATE:** Oct 13, 2011
 2. Planning Board minutes excerpt August 23, 2011 meeting
 3. Planning Board memo excerpt

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. In a previous code amendment, the Commission approved the use of directional signs and ground signs in the downtown zoning districts. This amendment is intended to limit the size, height, and width of such signs in order to maintain compatibility with the historic character and architecture of Downtown Palatka. The Code now requires a five-foot setback from the property line, so ground signs will not be allowed in most of the historic downtown since the property line runs along the building line/inner edge of the sidewalk. On a related note, Staff will be soon be requesting a Code amendment to allow projecting signs and awning/canopy signs, all of which are an appropriate historic sign types and are present on various downtown buildings. These two sign types were recommended by the Planning Board but left off the final 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. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161 AND 94-162 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT, THIRTY SQUARE FEET IN SIZE, AND EIGHT FEET IN WIDTH IN THE DOWNTOWN RIVERFRONT AND DOWNTOWN BUSINESS ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 August 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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. Subpart (g) of Zoning Code Section 94-161 shall be amended as follows, with new language indicated by underlining:

- (j) Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width, wall signs, and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as

measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather resistant material such as wood, metal, or plastic.

Subpart (g) of Zoning Code Section 94-162 shall be amended as follows:

- (j) Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width, wall signs, and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather resistant material such as wood, metal, or plastic.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

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Managed and maintained property to put these folks in. If someone is living in a house right now and is 65 and older, they are going to have the same requirement for ambulance other services where they live now as will if you put them into this new place, so he didn't believe there would be any great additional impact to emergency/medical service.

Mr. Crowe explained that the Planning Board has very specific criteria they must stay tethered to in considering the Conditional Use, however, he agreed with Mr. Holmes's comment during the continued discussion, in that compatibility with adjacent properties and in the public interest seem to be the two areas of concern for the Board, and that the impacts on public interest can sometimes be the most difficult to put into words.

Motion by Mr. Harwell to deny case 11-33, citing criteria items I and L, with large concerns for compatibility not only with the architecture but also the surrounding uses; the existing College, potential dorms and the potential reopening of the existing group home structure to the north. Motion was seconded by Mr. Petrucci. All present voted. Motion carried with 5 yeas and 1 abstention.

Case 11-36

Request for the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and thirty square feet in size; and to allow wall signs for such uses limited to thirty square feet in size.

Mr. Crowe explained that this is more housekeeping and explained that many times a child care facility and churches go through a conditional use process and then find that they cannot put up a sign. Through area research, staff has found that typical sign standards for churches and daycares in residential areas allow for limited ground and wall signs, and do not affect the character of the neighborhood.

Motion made by Mr. Pickens and seconded by Mr. Harwell to approve item #1. All present voted affirmative, motion carried.

2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and thirty square feet in size.

Mr. Crowe explained that this code amendment will allow for awning signs, ground signs, projecting signs and wall signs in the downtown districts. Most ground signs would be excluded from downtown properties due to the proposed 5' sign setback; however it would be appropriate for historic homes (converted to businesses) and buildings set back from the right-of-way to have such limited ground signs without taking away from the architecture and allowing people to find the place of business.

Motion made by Mr. Pickens and seconded by Mr. Harwell to accept item # 2 as presented with an additional parameter added that there be an 8' width maximum. All present voted affirmative, motion carried.

3. Amend Chapter 94 Sections 94-200 to revise the definition of Farmer's Markets, and to amend Section 94-201 to provide for conditions for such uses.

Based on the need to control signage size and height in residential areas, along with the relatively limited size of existing church signs and the practice of other jurisdictions, staff recommends limiting ground signs for churches and child care facilities to 30 square feet and six feet in height. Staff also recommends allowing wall signs on such buildings up to 50 square feet, which is far less than the allowable 200 square feet in commercial zoning districts.

Ground Signs in Downtown Zoning Districts

The Planning Board recently recommended changes to the sign code, accepting Staff's intent to strike a balance between the current overly restrictive (and outright prohibitive) standards and a permissive scenario where all signs were allowed anywhere. This is intended to allow businesses who received sign approvals through the permitting process, despite such signs not being allowed in the Zoning Code and with sign permits issued in error, to have legal and conforming signs. This does not prevent the City from revisiting the sign ordinance in the future in a more detailed manner to determine what is "on the ground" and what type of signage environment the City strives for. This middle ground of the proposed sign standards is apparent in that pole signs are only allowed in C-1, C-2, and M-2 (previously they were incorrectly allowed in all nonresidential districts).

Regarding allowable signage downtown: the recently recommended standards (up for adoption by the City Commission on August 25th) only allow awning signs, ground signs, projecting signs, and wall signs in the downtown districts (we will be adding the previously agreed-upon sandwich signs to this list as this was an oversight in the staff recommendations). The exclusion of pole signs, roof signs, banner signs, changeable copy signs, electronic signs, flashing signs, marquee signs, portable signs, roof signs, snipe signs, and temporary signs from downtown zoning districts is appropriate given the unique architectural and historic character of the downtown. Awning signs, projecting signs, and wall signs are all commonplace in the downtown and in the historic timeframe of the downtown were typically utilized. As far as ground signs, Staff proposes to allow them in the downtown area for the following reasons:

- The Planning Board at their July meeting approved staff's recommendations that all (freestanding) signs be set back at least five feet from property lines (coming to the Commission in August). This would exclude ground signs from most downtown properties as the property line is typically the inside edge of the sidewalk, which is usually the front building façade or very close to this façade.
- There are precedents in the downtown (and historic districts) where ground signs have been allowed, including historical residences that have been converted to nonresidential use, and churches and office buildings set back from the right-of-way. These buildings are typically set back anywhere from 10 to 20 feet from the front property line and wall signs either cannot easily be seen due to tree cover or they would obscure architectural elements on the buildings. Examples of existing buildings like this with ground signs are: 200 Main St (St. Marks Church), 210 S. 4th (St. Monica Church Annex), Tilghman House (River St), Henly Insurance (4th & Reid), RCMA Putnam Co (120 Main St), Farm Credit of North Florida (Madison & 3rd), 205 N. 2nd St (City Building and Zoning Dept.) and 220 Madison St (Azalea House B&B). The Historic Preservation Board also in May approved a COA allowing a 3' wide by 2' high ground sign for 520 Oak St in the Downtown Business District.

Therefore Staff recommends that ground signs be allowed in downtown zoning districts with a maximum area of 30 square feet and a maximum height of six feet.

Farmer's Market Definition and Conditions

Zoning Code Section 94-200 (in the Supplementary District regulations) defines farmers markets in the following way: *"the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section."*

There are no additional standards applicable to this use, except they are allowed as a Conditional Use in the Downtown Riverfront and Downtown Business zoning districts. The City in the past allowed farmer's markets through the Special Permit process on the riverfront and later in the Courthouse parking lot.

Staff is aware that farmers markets in a number of Florida towns have thrived regardless of local regulations, and that success is attributable to the talents of the market coordinator, proximity to fresh produce and or higher disposable income, word-of-mouth, etc. At the same time staff believes that there should be some basic parameters that will add to the success of the use and prevent it from "morphing" into another use like a flea market, for example. The more successful markets like Fernandina Beach, Flagler Beach, and Winter Park. They seem to rely on state and county laws. The most common consumer complaint seems to be that some markets lose their popularity when they become more like flea markets, selling sunglasses and even re-selling grocery store produce at higher prices. Staff consulted with Downtown Palatka, Inc. and Keep Putnam Beautiful, and reviewed standards from other jurisdictions. The following standards are recommended to be incorporated into the Supplementary District Regulations for farmers markets:

- expand the eligible sales items from unprocessed fruits and vegetables to include also "cottage foods,"¹ arts and crafts, house plants, eggs, herbs, nuts, fresh seafood, and prepared food;
- all commodities shall meet local and state requirements;
- allow for non-amplified live entertainment;
- require that each produce vendor post a sign in a conspicuous location that lists the origination of their products;

¹ The recently enacted Cottage Food state law could be a real boost to Farmers Markets and local entrepreneurs. During the 2011 Legislative Session, the Florida Legislature enacted House Bill 7209 allowing individuals to manufacture, sell and store certain types of "cottage food" products in an unlicensed home kitchen. Cottage food products include such items as breads, cakes, cookies, candies, jams, jellies, and fruit pies. "Cottage food operations" as they are called require no license or permit from the Florida Department of Agriculture and Consumer Services and are not inspected by any state government entity. Gross sales for a cottage food operation must not exceed \$15,000 annually. Products must be sold directly by the cottage food operator to the consumer. Sales by internet, mail order, consignment or at wholesale are prohibited. Cottage food products must be labeled in accordance with the requirements as outlined in Section 500.80(5), Florida Statutes and United States Code of Federal Regulations Title 21, Part 101. All cottage food products, offered for sale to the general public, must be labeled: "Made in a cottage food operation that is not subject to Florida's food safety regulations." Cottage food products may be sold directly to the consumer from the cottage food operation, roadside stand or at farmer's markets.

Agenda
Item

10

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Second Reading - request to amend Zoning Code Sections 94-161, 94-162, & 94-200, and to add new Section 94-200 to provide development and operational standards for farmers markets

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board minutes excerpt August 23, 2011 meeting
3. Planning Board memo excerpt

**MEETING
DATE:**

27
Oct 18, 2011

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. Staff has met with DPI, Inc. and also with various City staff, Keep Putnam Beautiful, and the Main Street Manager to develop the proposed conditions applicable to future farmers markets. The use would be expanded from the limited sales of fruits and vegetables to also allow for sales of arts and crafts, cottage foods (per recent state legislation allowing home-based preparation of baked goods, jams, cookies, etc.), fresh seafood, eggs, house plants, etc. Among other standards, non-amplified live entertainment would be allowed, origin of produce must be provided, a market manager is required, and there would be a site plan required showing stall layout.

PLEASE NOTE THAT THIS USE IS CURRENTLY ALLOWED AS A CONDITIONAL USE IN THE DOWNTOWN ZONING DISTRICTS WITH NO CONDITIONS APPLICABLE. PER DISCUSSION IN THE PRE-AGENDA MEETING STAFF HAS REVISED THE ORDINANCE TO ALLOW THIS USE AS A PERMITTED USE, NOT AS A CONDITIONAL USE, MEANING THAT ONLY STAFF REVIEW WOULD BE REQUIRED INSTEAD OF THE EXTRA LEVEL OF PLANNING BOARD REVIEW. STAFF SUPPORTS THIS CHANGE AS THERE ARE ENOUGH SPECIFIC STANDARDS APPLICABLE TO THIS USE TO NEGATE THE REQUIREMENT FOR PUBLIC HEARING REVIEW.

Please direct questions regarding this request to the 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. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161, 94-162, AND 94-200 AND TO ADD NEW SECTION 94-201 TO ALLOW AS PERMITTED PRINCIPAL USE AND ACTIVITY IN THE DOWNTOWN BUSINESS AND DOWNTOWN RIVERFRONT ZONING DISTRICTS, REVISE DEFINITION OF FARMERS MARKETS, AND PROVIDE DEVELOPMENT AND OPERATIONAL STANDARDS FOR THIS USE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

Section 1.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 August 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011, and

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

Section 2. The following sections of the Zoning Code of the City of Palatka, Florida are hereby amended in the following manner, with new language indicated by underlining and deleted language indicated by stricken text.

Section 94-161 (DR downtown riverfront district).

- (b) *Permitted principal uses, activities, and structures.*
Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited.

Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only with the exception of items allowed on the sidewalk per section 70-1. Permitted principal uses, activities, and structures in the downtown riverfront district are as follows:

- (1) General retail establishments which include:
 - a. Antiques and collectibles.
 - b. Appliances.
 - c. Arcades.
 - d. Art.
 - e. Arts and crafts.
 - f. Auction houses.
 - g. Bakeries (retail).
 - h. Bait and tackle shops.
 - i. Bicycle shops.
 - j. Billiard parlors and indoor recreation and amusement facilities.
 - k. Books and periodicals.
 - l. Cameras (including incidental repair) and photographic supplies.
 - m. Candy and confectionary shops.
 - n. Convenience stores without gas pumps.
 - o. Delicatessens.
 - p. Department and discount stores.
 - q. Electronics and appliances (including incidental repairs).
 - r. Farmer's markets, as defined and regulated by Section 94-201 of the Zoning Code
 - rs. Flowers and gifts.
 - st. Fish and seafood shops (retail).
 - tu. Furniture stores.
 - uv. Gifts.
 - vw. Gourmet shops.
 - wx. Grocery stores.
 - xy. Hardware stores.
 - yz. Health food shops.

- zaa. Hobby shops.
- aab. Jewelers (including incidental repair).
- bbc. Leather goods and luggage.
- eed. Marine hardware and supplies shops.
- dee. Mobile food vendors and push carts.
- eef. Musical instruments and supplies.
- ffg. Office equipment and furniture and supplies.
- ggh. Pet stores.
- hhi. Pharmaceuticals.
- iij. Plant shops.
- jjk. Specialty foods.
- kkl. Sporting goods.
- llm. Sundries and notions.
- mmn. Wearing apparel.
- moo. Any retail establishment which incorporates any of the above.

e. *Conditional uses, activities, or structures.* Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:

- (1) Car wash facilities.
- (2) Colleges, vocational schools and preschools.
- (3) Community production or movie theaters.
- (4) Convention facilities.
- (5) Dry cleaning and laundry retail service and self-service establishments.
- (6) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.
- ~~(7) Farmers Market.~~
- (~~7~~) Hotels and motels.
- (~~8~~) Marinas, with or without fuel dispensing facilities.
- (~~9~~~~10~~) Multi-level parking facilities and commercial parking lots.
- (~~10~~~~11~~) Outdoor recreational activities (i.e.: watercraft rentals; rental of bicycles; rental of mopeds or scooters with a motor rated not in excess of

two brake horsepower and displacement not to exceed 50 cubic centimeters; trolleys or carriages for hire).

(1112) Outdoor amphitheaters and parks.

(~~1213~~) Residential dwellings consisting of three or more units located above the first floor of a commercial use.

(~~1314~~) The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

Section 94-162 (DB downtown business district).

(b) *Permitted principal uses, activities, and structures.*

Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only with the exception of items allowed on the sidewalk per section 70-31. Permitted principal uses and structures in the downtown business (DB) district are as follows:

(1) General retail establishments which include the sale of:

- a. Antiques and collectibles.
- b. Appliances and electronics.
- c. Arcades.
- d. Art.
- e. Arts and crafts.
- f. Auction houses.
- g. Automotive parts (excluding repair and/or installation).
- h. Bakeries (retail).
- i. Bait and tackle shops.
- j. Bicycle shop.
- k. Billiards parlor and indoor recreation and amusement facilities.
- l. Books and periodicals.
- m. Cameras (including incidental repairs) and photographic supplies.
- n. Candy and confectionary shops.

- o. Convenience stores without gas pumps.
 - p. Delicatessens.
 - q. Department and discount stores.
 - r. Electronics and appliances (including incidental repairs).
 - r. Farmers market as defined and regulated by Section 94-201 of the Zoning Code.
 - rs. Flowers and gifts.
 - st. Fish and seafood shops (retail).
 - tu. Furniture and home furnishing (new and used).
 - uv. Gifts.
 - vw. Gourmet shops.
 - wx. Grocery stores.
 - xy. Hardware.
 - zz. Health food shops.
 - zaa. Hobby shops.
 - aabb. Jewelers (including incidental repair).
 - bbcc. Leather goods and luggage.
 - eedd. Marine hardware and supplies shops.
 - ddee. Mobile food vendors and push carts.
 - eeff. Musical instruments and supplies.
 - ffgg. Office equipment and furniture and supplies.
 - gghh. Pet stores.
 - iiii. Plant shops.
 - hhjj. Pharmaceuticals.
 - jjkk. Specialty and gourmet foods.
 - kkll. Sporting goods.
 - llmm. Sundries and notions.
 - mmnn. Toys.
 - nnoo. Wearing apparel.
 - eepp. Any retail establishment which incorporates any of the above.
 - ppqq. Aquariums
- e. *Conditional uses, activities, or structures. Unless otherwise expressed herein, uses not specifically*

listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:

- (1) Car wash facilities.
- (2) Colleges, vocational schools and preschools.
- (3) Community production or movie theaters.
- (4) Convention facilities.
- (5) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.

~~(6) Farmers Market.~~

- (67) Fraternal organizations.
- (78) Hotels and motels.
- (89) Multi-level parking facilities and commercial parking lots.
- (910) Pawn shops
- (1011) Residential dwellings consisting of three or more units located above the first floor of a commercial use.
- (1112) The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

Section 94-200. - Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities ~~other than farmers markets.~~

- (b) Definitions. For purposes of this section, the following definitions shall apply:

~~Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.~~

New Section 94-201 - Farmers markets

- (a) Definitions. For purposes of this section, the following definitions shall apply:

Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition; arts and crafts, cottage foods including but not limited to breads, cakes, cookies, candies, jams, jellies, and fruit pies;

arts and crafts; house plants; eggs; herbs; nuts; fresh seafood; and prepared food; provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.

(b) Procedures for review and approval. The planning board may approve a conditional use for farmers markets provided the following conditions and requirements are met:

- (1) all commodities shall meet local and state requirements;
- (2) non-amplified live entertainment shall be allowed;
- (3) each produce vendor shall post a sign in a conspicuous location that lists the place of origin of their products;
- (4) the market shall be limited to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- (5) commodities must be sold from stalls and shall not be sold from vehicles;
- (6) market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- (7) produce and food must be on tables at least 36 inches from the ground;
- (8) a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;
- (9) nearby toilet facilities and parking are required;
- (10) a manager shall be identified to coordinate and enforce standards;
- (11) daily trash removal is required as well as trash removal bonds;
- (12) violation of standards will result in disqualification of vendors; and
- (13) a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at

said location without obtaining an additional business tax receipt from the city.

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its **MAYOR**

ATTEST:

City Clerk