

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

ORDINANCE NO. 12 - 15

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

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

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

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

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

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

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

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

(1) *Use.* No building or structure or land shall hereafter be used or occupied and no

- building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations specified in this chapter for the district in which it is located.
- (2) *Height of structures, population density, lot coverage, yards and open spaces.* No structure shall hereafter be erected or altered:
- a. To exceed height or bulk limitations provided in this chapter;
  - b. To provide a greater number of dwelling units or less lot area per dwelling unit than as permitted or required in this chapter;
  - c. To provide less lot area per dwelling unit or to occupy a smaller lot than as permitted or required in this chapter;
  - d. To occupy a greater percentage of lot area, or to provide narrower or smaller yards, courts or other open spaces, or lesser separation between buildings or structures or portions of buildings or structures, than required in this chapter; or
  - e. In any other manner contrary to the provisions of this chapter.
- (3) *Multiple use of required open space.* No part of a required yard or other required open space, or off-street parking or off-street loading space, provided in connection with one structure or use shall be included as meeting the requirements for any other structure or use, except where specific provision is made in this chapter.
- (4) *Reduction of lot area.* No lot, combination of contiguous lots in common ownership, or yard, existing at the effective date of the ordinance from which this chapter is derived shall hereafter be reduced in dimension or area below the minimum requirements set forth in this chapter, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase and the like. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.
- (5) *Limitation on number of principal buildings on lots in residential areas.* Except as provided in this chapter, only one principal residential building, except for multifamily buildings and cluster developments, may hereafter be erected on any lot.
- (6) *Continuity of zoning of annexed property.* Where property is annexed to the city subsequent to the effective date of the ordinance from which this chapter is derived, such property shall continue to hold the zoning classification placed on it by the county; and the regulations applicable to it under the zoning regulation of the county shall be administered and enforced by the city until such time as the

property has been reclassified in accordance with general law.

- (7) Planned Unit Development Overlay Threshold. Any proposed nonresidential development exceeding 20,000 square feet or residential development with project density exceeding five units per acre or residential development with more than five units shall be required to utilize a Planned Unit Development overlay.

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

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

SECTION 94-232. - *Permitted uses.*

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

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

SECTION 94-233. - *Development standards.*

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

control.

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

SECTION 94-234: no changes

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

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

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

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

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

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 8<sup>th</sup> day of March, 2012.

**CITY OF PALATKA**

BY: *B. Van My*  
Its MAYOR

**ATTEST:**

*Betsy Duggan*  
City Clerk