

INTRODUCED BY:
MAYOR PRUETTE



ORDINANCE NO. 2009-05

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE III, ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida:

Section 1. Section 27-147 Required Findings Needed to Issue a Variance is hereby amended as follows:

Sec. 27-147. Required Findings Needed to Issue a Variance.

The board of appeals shall not grant, and the planning and development review board shall not recommend approval of, any variance unless it makes a positive finding, based on substantial competent evidence presented at the public hearing, on each of the following criteria:

- (1) The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district. A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any ~~any~~ purpose permitted by Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. However, the hardship cannot be ~~created or be~~ created by, or be the result of, a property owner's own action or be granted ~~created~~ solely for the personal comfort or convenience of the property owner, or for relief from financial circumstances.
- (2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
- (3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

(4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

(5) The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

(6) The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

(7) Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

Section 2. This Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor John Weldon	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes

Passed on First Reading this day 4th of May, 2009.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor John Weldon	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes

Adopted on Second and Final Reading this 1st day of June, 2009.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney