

INTRODUCED BY:
Mayor Pruette



ORDINANCE NO. 2010-12

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS , ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE 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. Sec. 27-227. Special restrictions and conditions on allowable uses within zoning districts shall be amended as;

Sec. 27-227. Special restrictions and conditions on allowable uses within zoning districts.

(a) No use that produces undue vibration, dust, smoke, fumes, or noise or that is otherwise offensive, obnoxious, or detrimental to the neighborhood shall be permitted.

(b) The following special restrictions and conditions apply to the permissible uses identified below:

(1) *Two-family residence:*

- a. Applicable building code requirements related to construction of the type of units proposed shall be met.
- b. The subject lot or parcel of land shall not be subdivided illegally, and shall only be developed according to the criteria established in the appropriate code section.
- c. Construction of any accessory apartment shall constitute a dwelling unit for purposes of determining the number of living units on a property.

(2) *Child day care:*

- a. All facilities, operation and maintenance shall meet all applicable city or state regulations for such use, and must be licensed appropriately by HRS.
- b. A development plan shall be submitted indicating designated indoor and outdoor space, fences or walls, vehicular ingress and egress, off-street parking areas, and loading and unloading areas.

(3) *Fast-food restaurant:* Fast-food restaurants with drive-up windows shall be allowed provided the following conditions are met:

- a. Adequate off-street areas shall be provided for the stacking of vehicles.
- b. Vehicular ingress and egress shall be limited to adjacent major or secondary streets.
- c. All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception..

(4) *Interior service restaurant:* Restaurants that sell alcoholic beverages shall conform to the following conditions:

- a. The alcoholic beverages shall be sold only for consumption on the premises;
- b. Said restaurant shall have an inside seating capacity of and be equipped to serve not less than thirty (30) people meals at one (1) time.
- c. Said restaurant shall derive at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.
- d. Any alcoholic beverage license issued to any such restaurant under the general law of the state shall not be moved to a new location, such licenses being valid only on the premises of such restaurant.
- e. Outdoor seating may be permitted as a special exception, and shall only be provided in a controlled area, attached to the main interior service area and shall also be situated in a manner that allows for unimpeded pedestrian access along adjacent sidewalks or pedestrian ways. Outdoor seating requests for public property not owned by the interior service restaurant must follow the provisions outlined in subsection 27-479(d).
- f. All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(5) Retail, general:

- a. Sale, display, preparation and storage shall be conducted within a primarily enclosed building. Special outdoor sales events by Neptune Beach general retail stores may be held on the premises of their licensed store eight (8) events per calendar year with no more than two (2) consecutive days per event. Only products normally sold at these stores may be sold at the special sales event. Stores must apply for a permit approved by the city manager at least ten (10) days before the special sales event.
- b. No more than ten (10) percent of the gross floor area shall be used for storage.
- c. Repairs shall be incidental to sales.
- d. Rentals shall be incidental to sales.
- e. Retail licensing shall not be construed to allow for the sale of motor vehicles on the premises.
- f. Outdoor sales of fireworks are prohibited.
- g. All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(6) *Adult entertainment and service:* No adult bookstore or adult motion picture theater shall be located within one thousand (1,000) feet of any worship facility, residential district, establishment for the sale of alcoholic beverages for consumption on premises, hotel/motel, primary or secondary school, park or theater.

(7) *Dry cleaner:* Facilities shall not exceed two thousand five hundred (2,500) square feet in area, and shall be subject to all regulatory requirements for registration and handling of hazardous materials.

a. All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(8) *Parking lot:*

a. No source of illumination for such lots shall be directly visible from any window in any residence.

b. There shall be no sales or service activity of any kind on such lots without obtaining the appropriate permit from the building department.

c. If the parking lot is located in a residential district, there shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.

d. If in a residential district, no vehicles normally prohibited from being parked in a residential district shall be permitted to be parked in such lot as outlined in section 27-335 of this Code.

(9) *Fire station:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

(10) *Police station:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

(11) *Post office:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

(12) *Cultural, religious, philanthropic, social and fraternal uses:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

(13) *Radio and television broadcasting studio:* No outside antenna.

(14) *Moving business by exception only:* No more than three (3) trucks, not to exceed thirty-three (33) feet each, shall be stored on-site and no storage of items to be moved shall be permitted.

(15) All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception..

Section 2. Table 27-226-1 Table of Permissible Uses amending as following

Table 27-226-1

TABLE INSET:

| Table of Permissible Uses | | | | | | | | | | | |
|-------------------------------------|-----------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Type of Use or Development Activity | | Zoning District | | | | | | | | | |
| | | R-1 | R-2 | R-3 | R-4 | R-5 | C-1 | C-2 | C-3 | CBD | Con |
| Single-Family Residence | | P | P | P | P | P | | | | E | E |
| Two-Family Residence | | | | | P | P | | | | E | |
| Multi-Family Residence | | | | | | P | | | | E | |
| Special Care Facilities | | | | | | | | | | | |
| | Adult day care | | | | | E | | | | | |
| | Child day care | | | | | E | | | | E | |
| | Nursing home | | | | | E | P | | | | |
| | Adult congregate living facility | | | | | E | P | | | | |
| | Hospital | | | | | E | | | P | | |
| Overnight Accommodations | | | | | | | | | | | |
| | Hotel/Motel | | | | | | | | P | P | |
| | Bed and breakfast | | | | | | | | | P | |
| Restaurant | | | | | | | | | | | |
| | Carry-out and delivery restaurant | | | | | | | P | P | | |
| | Fast food restaurant | | | | | | | E | E | E | |

| | | | | | | | | | | | |
|-----------------------|---|--|--|--|--|--|--|----------|----------|----------|----------|
| | Interior service restaurant | | | | | | | P | P | P | |
| | Outdoor seating | | | | | | | E | E | E | |
| | <u>Drive thru Service Window</u> | | | | | | | <u>E</u> | <u>E</u> | <u>E</u> | <u>E</u> |
| Service Establishment | | | | | | | | | | | |
| | Office | | | | | | | P | P | P | P |
| | Medical/dental clinic | | | | | | | P | P | P | P |
| | Veterinary clinic | | | | | | | P | P | P | P |
| | Funeral establishment | | | | | | | P | P | P | |
| | <u>Day Spa</u> | | | | | | | <u>E</u> | <u>P</u> | <u>P</u> | <u>E</u> |
| Wholesale Sales | | | | | | | | | | | |
| | Wholesale sales-On-site storage of stock | | | | | | | | E | P | |
| | Wholesale sales-No on-site storage of stock | | | | | | | | P | P | P |
| Shopping Center | | | | | | | | | P | P | |
| Retail Sales | | | | | | | | | | | |
| | Retail, general | | | | | | | | P | P | P |
| | Retail, furniture and appliance | | | | | | | | P | P | E |
| | Kiosk sales | | | | | | | E | E | E | |

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|-----------------------------|---|---|---|---|---|---|---|---|---|---|--|
| | | | | | | | | | | | |
| Storage, Moving and Parking | | | | | | | | | | | |
| | Parking lot | | | | | | E | E | P | E | |
| | Moving business | | | | | | | E | E | | |
| Emergency Services | | | | | | | | | | | |
| | Fire station | E | E | E | E | E | E | E | E | P | |
| | Police station | E | E | E | E | E | E | E | E | P | |
| | Ambulance service | E | E | E | E | E | E | E | E | P | |
| Governmental | | | | | | | | | | | |
| | Post office | | | | | | | P | P | P | |
| Recycling collection center | | | | | | | | E | E | | |
| Educational | | | | | | | | | | | |
| | Elementary and junior high school | E | E | E | E | E | E | E | | | |
| | Senior high school | E | E | E | E | E | E | E | | | |
| | Trade, business, or vocational school | | | | | | | E | P | | |
| | College, university and community college | | | | | | | E | P | E | |
| | Dance, art, dramatic, and music studio | | | | | | E | P | P | P | |
| | Gymnastics studio | | | | | | E | P | P | P | |

| | | | | | | | | | | | |
|--|--|---|---|---|---|---|---|---|---|---|--|
| Cultural, Religious, Philanthropic, Social, Fraternal Uses | | | | | | | | | | | |
| | Worship facility | E | E | E | E | E | E | E | E | E | |
| | Social, fraternal club and lodge, union hall | | | | | | E | E | E | E | |
| | Library, museum, art gallery | | | | | | E | P | P | P | |
| | City Community center | E | E | E | E | E | E | P | P | P | |
| Recreation, Amusement, and Entertainment | | | | | | | | | | | |
| | Public park/recreation area | P | P | P | P | P | P | P | P | P | |
| | Bowling alley | | | | | | | P | P | | |
| | Skating rink | | | | | | | P | P | | |
| | Billiard and pool hall | | | | | | | P | P | P | |
| | Arcade | | | | | | | P | P | P | |
| | Miniature golf | | | | | | | P | P | P | |
| | Indoor athletic and exercise facilities | | | | | | | P | P | E | |
| | Tennis, handball, or racquetball facility | | | | | | | P | P | | |
| | Theater | | | | | | | E | P | P | |

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|--|--------------|---|---|---|---|---|---|---|---|---|--|
| | Night club | | | | | | | E | P | P | |
| | Private club | | | | | | | E | P | P | |
| | Bar/tavern | | | | | | | E | P | P | |
| Utilities | | E | E | E | E | E | E | E | E | E | |
| Radio and Television Broadcasting Studio | | | | | | | | P | P | | |
| Light Manufacturing | | | | | | | | E | E | | |
| LEGEND: P=Permitted Use E=Permitted with special exception | | | | | | | | | | | |

Section 3. The 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 Fred E. Lee | Yes |
| Councilor Eric Pardee | Yes |
| Councilor Kara Tucker | Yes |
| Councilor John Weldon | Yes |

Passed on First Reading this 12th day of July, 2010.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this day of , 2010.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and contents

Christopher A. White, City Attorney