

INTRODUCED BY:
Mayor Pruette, Vice Mayor Lee,
Councilor Pardee, Councilor
Tucker, and Councilor Weldon.



ORDINANCE NO. 2010-14

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SEC. 17-37. REQUIREMENT OF PLANS AND SPECIFICATIONS. AND SEC. 17-38. PERMIT. AND CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS* SEC. 27-15. DEFINITIONS. AND SEC. 27-32. GENERALLY. DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD AND SEC. 27-36. ESTABLISHMENT. AND SEC. 27-38. OFFICERS. AND SEC. 27-39. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-40. BOARD PROCEDURES. AND SEC. 27-41. VOTING AND QUORUM. AND DELETING DIVISION 3. BOARD OF APPEALS AND SEC. 27-46. ESTABLISHMENT. AND SEC. 27-47. MEMBERSHIP AND OFFICERS. AND SEC. 27-48. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-49. BOARD PROCEDURES. AND SEC. 27-50. VOTING AND QUORUM. AND SEC. 27-51. RIGHTS OF DISQUALIFIED MEMBER. AND SEC. 27-52. LEGAL REPRESENTATION. AND AMENDING-DIVISION 6. CITY COUNCIL SEC. 27-66. CITY COUNCIL. AND SEC. 27-82. PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS. AND SEC. 27-87. REQUIRED AND OPTIONAL CONTENTS OF PRELIMINARY DEVELOPMENT ORDERS. AND SEC. 27-102. PROCEDURES FOR PLATTING. AND SEC. 27-124. PROCEDURE FOR MINOR DEVIATIONS. AND SEC. 27-125. PROCEDURE FOR MAJOR DEVIATIONS. AND SEC. 27-132. REVIEW OF LEGISLATIVE DECISIONS. AND SEC. 27-133. REVIEW OF ADMINISTRATIVE DECISIONS. AND SEC. 27-141. GENERALLY. AND SEC. 27-144. NOTICE REQUIREMENTS. AND SEC. 27-145. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE R-1, R-2, R-3, R-4 AND R-5 ZONING DISTRICTS. AND SEC. 27-145.1 ADMINISTRATIVE VARIANCES. AND SEC. 27-145.2. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBC AND CONSERVATION ZONING DISTRICTS. AND SEC. 27-147. REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE. AND SEC. 27-148. IMPOSITION OF CONDITIONS IN ISSUING A VARIANCE. AND SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD DISTRICTS. AND SEC. 27-153. PROCEDURE FOR APPEAL. AND SEC. 27-158.1. NOTICE REQUIREMENTS. AND SEC. 27-159. PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION. AND SEC. 27-160. REQUIRED FINDINGS NEEDED TO RECOMMEND A SPECIAL EXCEPTION. AND SEC. 27-161. IMPOSITION OF CONDITIONS IN ISSUING A SPECIAL EXCEPTION. AND SEC. 27-177. PROCEDURE FOR REZONING OF LAND. AND SEC. 27-178. NOTICE AND PROCEDURAL REQUIREMENTS FOR REZONING OF LAND OR CHANGES TO CODE. AND SEC. 27-184. SIMULTANEOUS ACTION ON AMENDMENT TO THE COMPREHENSIVE PLAN AND THIS CODE. AND SEC. 27-187. PROCEDURE FOR AMENDING THE COMPREHENSIVE PLAN. AND SEC. 27-219. INTERPRETATION OF ZONING DISTRICT BOUNDARIES. AND SEC. 27-228. USES PERMITTED BY SPECIAL EXCEPTION. AND SEC. 27-361. EXPIRATION

OF CONCURRENCY CERTIFICATE. AND SEC. 27-363. PROCEDURE FOR APPEAL. AND SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS, AND SHALLOW FLOODING DISTRICTS. AND SEC. 27-413. PROCEDURE FOR APPEAL. AND SEC. 27-446. PERMIT APPLICATION PROCEDURES. AND SEC. 27-448. CHAMPION AND HERITAGE TREES. AND SEC. 27-449. TREE PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION. AND SEC. 27-453. PROCEDURE FOR APPEAL. AND SEC. 27-457. LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS. AND SEC. 27-476. STREET DESIGN STANDARDS. AND SEC. 27-538. EXEMPTIONS. AND SEC. 27-539. SUBMISSION OF PLANS. AND SEC. 27-540. OFF-STREET PARKING REQUIREMENTS. AND SEC. 27-544. MOTORCYCLE PARKING REQUIREMENTS. AND SEC. 27-545. DEFERRAL OF PARKING REQUIREMENTS. AND SEC. 27-546. REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES. AND SEC. 27-547. SPACES REQUIRED FOR OFF-STREET LOADING. AND SEC. 27-548. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS. AND SEC. 27-596. ART PROJECT. AND SEC. 27-609. PROCEDURE FOR APPEAL. AND SEC. 27-626. DEFINITIONS. AND SEC. 27-627. APPLICATION REQUIREMENTS FOR NOMINATION. AND SEC. 27-628. PROCEDURE FOR DESIGNATING A LANDMARK AND HISTORIC DISTRICT. AND SEC. 27-629. CONDITIONS FOR NOT DESIGNATING A NOMINATED LANDMARK OR HISTORIC DISTRICT. AND SEC. 27-633. IDENTIFICATION OF LANDMARKS AND HISTORIC DISTRICTS. AND SEC. 27-635. EXCEPTIONS. AND SEC. 27-636. APPLICATION REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-637. PROCEDURE FOR APPLYING FOR AND ISSUING A CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-642. PROCEDURE FOR APPEAL. AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach has determined that it is necessary to amend the following in order to combine the Planning Development Review Board and the Board of Appeals into the Community Development Board.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. Sec. 17.37 Requirement of plans and specifications is hereby amended as follows:

Sec. 17-37. Requirement of plans and specifications.

Prior to the issuance by the city manager of a permit for any open air market, it shall be necessary for the person or persons, or any other entity seeking to have the open air market, to submit to the ~~planning and development review~~ community development board plans and specifications showing layout, site plan, floor requirements, height of displays, restroom facilities, liability insurance; procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage; signage; construction or electrical requirements and any other information required by the ~~planning and development review~~ community development board. The ~~planning and development review~~ community development board shall have the authority to place any and all appropriate restrictions on the operation of an open air market. The ~~planning and development review~~ community development board shall conduct a hearing on the application for the open air market and shall forward its recommendations on the application to the city manager.

(Ord. No. 2000-04, § 1, 8-7-00)

Section 2. Sec. 17.38 Permit is hereby amended as follows:

Sec. 17-38. Permit.

No person, either alone or jointly with another, or any entity of any nature, shall conduct any open air sales without having first obtained a permit to do so from the city manager. Subsequent to the review by the ~~planning and development review~~ community development board set forth above, this permit may be issued to the owner of the private property within the central business district, the C-3 commercial district and Jarboe Park on which the open air market is to be located under such terms and conditions as the city manager deems appropriate.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 3, 12-1-03; Ord. No. 2008-06, § 3, 6-16-08)

Section 3. Sec. 27-15 Definitions is hereby amended as follows:

Sec. 27-15. Definitions.

For the purpose of this Code, certain terms and phrases are defined. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words and phrases that apply to more than one article or division are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

Abut means to physically touch or border upon; or to share a common property line.

Access means a means of approach or entry to or exit from property.

Accessory apartment means a dwelling unit contained in an owner-occupied building or premises comprising three (3) or less dwelling units, including garage apartments and single-family type buildings used as apartments and sharing a common entrance.

Accessory structure means a subordinate structure customarily incidental to and located upon the same lot occupied by a principal structure, to include, but not limited to, gazebos, permanent storage buildings, non-commercial greenhouses, detached garages, playhouses, and other buildings not designed or intended for habitation, satellite dish antenna, radio antenna, and television antenna, swimming pools, hot tubs, and similar structures, fences, walls, and hedges.

Accessory use [means] a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or of the structure and located on the same parcel with the principal use.

Accessway means a roadway, providing access onto a right-of-way (ROW), such as a public or private driveway or alley.

Addition means an extension or increase in floor area or height of a building or structure.

Agricultural stands mean either tents (including canopies) or mobile units, including trailers, for the sale of unprocessed agricultural products, to include fresh fruits and vegetables, including legumes.

Adjacent means being separated by a common border, or by a road, street or natural feature, but otherwise visually and/or physically connected.

Adult congregate living facility (ACLF) means a type of residential care facility as defined in F.S. ch. 400, pt. II.

Adult day care means a licensed facility as defined in F.S. ch. 400, pt. IV.

Adult entertainment and service means an adult arcade, adult theater, adult bookstore/audio video store, adult motel, or adult dancing establishment; or other establishment or business operated for commercial gain where an employee, operator, or owner exposes his or her specified anatomical area for viewing patrons, including but not limited to massage establishments, whether or not licensed pursuant to F.S. ch. 480 tanning salons, modeling studios, or lingerie studios.

Aggrieved or adversely affected person means any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or

natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development approval.

Alcoholic beverages include, beer and malt beverages, wine, and liquor, as defined by F.S. Chs. 563, 564, and 565, respectively.

Aisle means the traveled way by which cars enter and depart parking spaces.

Alley means a special type of street that provides a secondary means of access to lots. (Sec. 27-473)

Alteration means any change in size, shape, character or use of a building or structure, or any change in the electric, plumbing, heating/ventilation/air conditioning (HVAC), or gas systems.

Alteration, major of a historically significant structure--(Section 27-626) means work that will change the original appearance of a historically significant building or structure located within a historic district, as defined in this article, including, but not limited to, the following:

- (1) Installation or removal of metal awnings or metal canopies.
- (2) Installation or removal of all decks or porches above the first-floor level.
- (3) Installation or removal of all decks or porches that face public rights-of-way.
- (4) Installation of an exterior door or door frame, or the infill of an existing exterior door opening.
- (5) Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
- (6) The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
- (7) The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
- (8) Painting unpainted masonry including stone, brick, terra-cotta and concrete.
- (9) Installation or removal of railings or other wood, wrought iron or masonry detailing.
- (10) Abrasive cleaning of exterior walls.
- (11) Installation of new roofing materials, or removal of existing roofing materials.
- (12) Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
- (13) Installation of new exterior siding materials, or removal of existing exterior siding materials.
- (14) Installation or removal of exterior skylights.
- (15) Installation of exterior screen windows or exterior screen doors.
- (16) Installation of an exterior window or window frame or the infill of an existing exterior window opening.

Alteration, minor of a historic structure--(Section 27-626) means work that is not ordinary maintenance as defined in this article but that will not result in a change to the original appearance, as defined in this article.

Amenity means a natural, historic or manmade feature which enhances or makes more attractive or satisfying a particular property.

Apartment means a dwelling unit contained in a building comprising two (2) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit.

Awning or *canopy* means any shelter, supported partially or entirely from the exterior wall of a building.

Bar, saloon or *tavern* means any establishment devoted primarily to the sale and on-premises consumption of malt, vinous or other alcoholic beverages.

Bed & breakfast means a commercial establishment housed in a building or part thereof, other than a motel or hotel, that offers overnight accommodations and a breakfast for a daily charge and which also serves as the primary residence of the operator or owner.

Bikeway--(Section 27-473) means any transportation facility which is specifically designated for bicycle use, whether or not such facility is designated for the exclusive use of bicyclists or is to be shared with other vehicles.

Boarding (lodging, rooming) house means a building or part thereof, other than a hotel, motel, or restaurant, where lodging and/or meals are provided for compensation.

Block means a parcel of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Boatyard means a facility for the construction or major repair of watercraft including overhaul of hull, engines and other major components.

Bufferyard means an area of land, together with specific type and amount of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Buildable area means the portion of a lot remaining after required yards have been provided.

Building means any structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents, awnings, cabanas or vehicles situated on private property and serving in any way the function of a building; but it does not include screened enclosures not having a roof impervious to weather.

Building elevation means the intervening distances above the curb level at which the ground or first floor of a building is erected.

Building, principal means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building setback means the minimum horizontal distance between the front, rear, or sidelines of the lot and the front, rear, or sidelines of the structure.

Bus or other transportation terminal means any establishment that offers transportation to a group of persons. Freight or truck terminals and similar uses shall not constitute a use under this definition.

Business school means an establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities,

Car sales or motor vehicle sales means a lot or group of contiguous lots, used for the storage, display, and sales of new and used automobiles. The term shall not be construed to include the storage, display, or sale of motor homes or similar vehicles or boats.

Car wash means establishments primarily engaged in washing cars or in furnishing facilities for the self-service washing of cars.

Champion trees are those trees that have been identified by the state division of forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the U.S.

Change of occupancy means a discontinuance of an existing commercial activity or residency and the establishment of a new commercial activity or permanent residency.

Change of use means any use which substantially differs from the previous use of a building or land as discussed in Chapter 3 of the Florida Building Code.

Child day care means a licensed facility which during a part of a twenty-four-hour day regularly gives care to unrelated children, as discussed in the F.S. § 402.302.

Clear cutting means the removal from a parcel of land of all natural vegetation such as trees, shrubs, and vines.

Clear visibility triangle means that area formed by connecting a point on each curb line or edge of pavement to be located at the distance from the intersection of the street centerlines as required, and a third line connecting the two points as depicted in Figure 27-15-1.

GRAPHIC LINK: [Click here](#)

Clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of medical care, whether such persons are medical doctors, chiropractors, osteopaths, chiroprodists, naturopath, optometrists, dentists, or any such profession, the practice of which is legal in the State of Florida.

Coastal building zone means the land area from the seasonal high-water line to a line one thousand five hundred (1,500) feet landward from the coastal construction control line.

Coastal construction control line means a line set by the Florida Department of Environmental Protection (DEP), pursuant to F.S. ch. 161, running generally parallel to the mean high water line, along the Atlantic Ocean. A DEP permit is required for any construction seaward of the coastal construction control line.

College, university, community college means a degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools (architectural, dental, engineering, law, medical, etc.). Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

Commercial vehicle means any motor vehicle licensed by the state as a commercial vehicle, any vehicle designed for a commercial or industrial function, or any vehicle marked with commercial advertising.

Comprehensive plan means the current comprehensive plan, as amended that the City of Neptune Beach adopted pursuant to F.S. ch. 163, pt. II, including all elements and sub-elements, and not including the text, maps, figures, and tables prepared to support the adopted comprehensive plan.

Community center means a building or lands open to the public and used for recreational, social, educational, and cultural activities, usually owned and operated by public or non-profit group or agency.

Concurrency means a condition where development has, or will have, the necessary public and/or private facilities and services at the adopted level of service standard concurrent with the impacts of the development.

Concurrency certificate means a certificate that indicates whether the proposed development is exempt from concurrency requirements or whether there is adequate capacity for concurrency if the proposed development is approved or approved with conditions.

Condominium means a building or group of buildings in which units are owned by one or more persons and in which there is appurtenant to each unit an undivided share in common elements.

Cul-de-sac (Section 27-473) means a local street that terminates in a vehicle turnaround.

Day means a working day, unless a calendar day is indicated.

Demolition means the act or process of demolishing; to tear down, destroy, raze or remove all or a significant portion of a building or structure, and including partial demolition.

Density means the ratio of the number of dwelling units to the gross area of the lands on which such dwelling units are located. Where used in the ULDC, density shall mean gross density. Gross density includes all of the land within a particular area, excluding nothing.

Detached garage means a single story, accessory building that is located at least ten (10) feet from the principal structure, designed and used for the storage of motor vehicles. (See Ord. No. 2001-08)

Developable land means all of a parcel of land except lands lying within proposed public rights-of-way; marshlands, swamps, floodplains or other environmentally sensitive lands where local, state or federal regulations otherwise prohibit development; and bodies of water such as ponds, lakes and reservoirs, either natural or manmade.

Developed (Section 27-445) means that point in time when the building and site have received final inspections and certificates of occupancy issued.

Developer means any person who engages in or proposes to engage in a development activity as defined in this Code either as the owner or as the agent of a property owner.

Development or development activity includes any of the following activities:

- (1) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site;
- (2) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system and including the long-term storage of materials;
- (3) Subdividing land into two (2) or more parcels;

- (4) Removal of protected trees;
- (5) Erection of a permanent sign unless expressly exempted;
- (6) Changing the use of a site so that the need for parking is increased; and
- (7) Construction, elimination, or alteration of a driveway onto a public street.

Development permit means an official document of the city which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Divided roadway (Section 27-473) means any roadway where the travel lanes are divided to protect environmental features or avoid excessive grading. In the case of a divided roadway, the design standards shall be applied to the aggregate dimensions of the two-street segments.

Drip line (Section 27-445) means the vertical line running through the outermost portion of the tree crown extending to the ground.

Duplex means a building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling means a building, or a portion of a building, designed exclusively for residential occupancy, including single family, two-family (duplex), townhouses, and multi-family, but not including hotels, motels, or boarding houses.

Dwelling unit means a single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, storage or preparation of food, and sanitation. This definition includes site built homes and modular homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Standard Building Code.

Emission control facility means a facility specifically operated for the testing of the emission control system of a motor vehicle (automobile, truck, or semi-truck.)

Endangered species means any flora or fauna that is so designated in Section 39.27.003, Florida Administrative Code or in 50 CFR 17.11-12.

Family means one (1) or more persons occupying and living in a single dwelling unit; provided that unless all members are related by law, blood, adoption or marriage, no family shall contain more than four (4) unrelated persons. Domestic servants are excluded.

Final development order means the final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas a development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

Final development plan means a completed drawing, sketch, site plan, construction drawings or schematic or any other related documents either drawn or written that has been certified by a registered surveyor or engineer if applicable, that shows the intended use of the property and design features pertinent to its potential development, and is completed for approval.

Financial services include banks, savings and loan associations, loan companies, mortgage brokers, stockbrokers, and similar institutions.

Five-year schedule of capital improvements means that schedule adopted as part of the comprehensive plan.

Floodway means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Footprint means the shape of a building's base area within the perimeter of a building's foundation.

Frontage means all property abutting on one side of a street.

Functionally water-dependent use means a use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as, docking, loading and unloading of cargo or passengers, ship building and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

Funeral establishment means a facility as defined in F.S. Ch. 470.

Future land use map means the map adopted as part of the comprehensive plan depicting the land use designations throughout the city that may be amended from time to time.

Garage means a building or space used for the storage of motor vehicles.

Garage, parking means a building or portion thereof designed or used for temporary parking of motor vehicles.

Garage apartment. (Ord. No. 2001-10) See "accessory structures".

Gas station, automotive or service station means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automotive or alternative fuels, oils or accessories with or without any automotive servicing.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished grade level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the property line or between the building and a point six (6) feet from the building, whichever is closer to the building.

Gross area means the entire area, without exception.

Gross density or *density* means the ratio of the total number of dwelling units to the gross site area.

Gross floor area means the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

Gross site area means the total area of a lot or parcel, less any public right-of-way.

Group home means a dwelling unit licensed to serve clients of the HRS, providing a living environment for residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents.

Hedge means a fence formed by a row of closely planted shrubs or bushes, typically of such species as English Privet, Indian Hawthorne, Ligustrum or other such evergreen species. This definition is not intended to include other closely planted species commonly referred to as flowering plants such as azaleas, roses, or other such plants that are not usually planted to establish a boundary or fence-like effect.

Height, building means the vertical distance measured from the greater of one foot above the crown of the road in front of the building or proposed building or the average of the natural existing grade. The point of reference for determining the height of a commercial building that has site development characteristics governed by the Coastal Construction Control Line (CCCL) will be the minimum elevation required for habitable space required by the Florida Administrative Code.

Heritage tree means any tree that because of its age, size, type, historical association or horticultural value is of special importance to the city.

Historic district (section 27-626) means a geographical area designated pursuant to this article that contains one or more landmarks and which may have within its boundaries or other buildings or structures, that while not of such historical, cultural, archaeological, or architectural significance as to warrant designation as landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmarks located within the district.

Historically significant means any structure or area that is listed on the National Register of Historic Places, the Florida Master Site File, or local registry.

Home occupation shall mean an accessory use conducted entirely and carried on by the members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital means a facility as defined in F.S. Ch. 395, pt. I.

Hotel or *motel* means a building or group of buildings in which rental units are offered to the public at a daily charge. The building or buildings may include such ancillary uses as a coffee shop, dining room,

restaurant, meeting rooms, and similar uses intended as a service to the overnight guests. Multiple-family dwellings and rooming or boardinghouses, where rentals are for periods of a week or longer, shall not constitute a use under this definition.

Household pet means any domestic animal normally owned or kept as a pet, including cats, dogs, and other animals deemed by the ~~building official~~ city manager or designee to be appropriate as domestic pets. Poultry, hoofed animals of any type, predatory animals, or any animals which are normally raised to provide food for people shall not be considered to be household pets.

HRS means the Florida Department of Health and Rehabilitative Services.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, buildings, roofs, concrete, sidewalks, driveways, pools, and pavement areas, and semi-impervious surfaces such as compacted clay and other similar surfaces.

Improvement means any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Intensification of use means a change in a property, structure, or use resulting in increased requirements for parking, egress, occupancy load, or fire regulations, or expansion of electrical, mechanical or plumbing systems.

Kennel means any lot or premise on which three (3) or more dogs over four (4) months old are kept for boarding, training, or sale.

Kitchen means an area equipped for food storage, preparation, and/or cooking in one (1) household.

Land includes the words marsh, water and swamp.

Landmark (section 27-626) means a building or structure designated as such by an ordinance of city council, that is worthy of protection, rehabilitation, and restoration because of its historical, cultural, archaeological and/or architectural significance to the City of Neptune Beach, the county, state or nation.

Laundromat means a business that provides coin-operated washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Light manufacturing means the manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing and storage of materials must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property line. Light manufacturing shall be limited to the production of the following goods: electrical instruments, office machines, precision instruments, electronic devices, optical goods, musical instruments, cabinet making, ceramics, apparel, light sheet metal products, plastic goods, glassware, pharmaceutical goods and food products, but not animal slaughtering or curing.

Performance standards: All activities shall be in conformance with standards established by the county, state and federal government. Activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors or gases which can cause damage to human health, to animals or vegetation, or to other forms of property.

(1) Any business that receives a special exception from the city council for light manufacturing must provide a landscape buffer that meets the requirements of subsection 27-459(3)b. of this Code, unless the business for which the special exception is granted already has a landscape buffer that was previously approved as part of the development review process.

(2) Any use which requires a Title V General Permit or a non-Title V General Permit from the Florida Department of Environmental Protection's Air Resource Management Division is not eligible for special exception approval.

(3) Light manufacturing facilities shall be limited to ten (10) employees or less.

(4) The light manufacturing operation shall be self contained inside the permanent structure and shall not be conducted outdoors, in order to minimize noise, glare, odor etc.

Liquor license means a license issued by the state for the retail sale, service, and on- or off-premises consumption of liquor, beer or wine.

Living area means the area inside the walls enclosing the living unit, excluding service and utility areas, building storage areas, stair wells, or open or screened porches and patios.

Loading space (section 27-536) means a portion of the vehicle accommodation area or a portion of the principal building set aside for parking one (1) vehicle for the purpose of unloading or loading said vehicle.

Local street (section 27-473) means a roadway which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself and no more than one thousand six hundred (1,600) vehicles per day.

Lot means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purpose of transfer of title.

Lot, width means the distance measured in a straight line along the street right-of-way between the side lot lines as measured at the front building restriction line.

Lot, corner means a lot abutting upon two (2) or more streets at their intersections. (See Figure 27-216-1)

GRAPHIC LINK: [Click here](#)

Lot coverage means the area of a lot or parcel of land that is occupied or covered by any impervious surface.

Lot, double frontage means any interior lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 27-216-1), or oceanfront lots.

Lot, interior means a lot other than a corner lot. (See Figure 27-216-1)

Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the office of the clerk of the circuit court of Duval County, Florida, as of the effective date of this Code.

Major deviation means a deviation other than a minor deviation, from a final development plan.

Major recreational equipment means any large motorized or nonmotorized vehicle used for recreational purposes, such as motor homes, trailers, campers and camper shells, boats and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Medical/dental clinic means any establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a person or persons affiliated with a group practicing various specialties of the healing arts, whether the persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

Mini-warehouse means any personal storage building which is subdivided by permanent partitions into spaces with an exterior independent entrance under the exclusive control of the tenant thereof.

Minor arterial (Section 27-473) means a roadway that connects and supports the principal arterial road system. Although its main function is still traffic movement, it performs this function at a lower level and places more emphasis on property access than does the principal arterial.

Minor deviation means a deviation from a final development plan that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process, including the following:

(1) Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.

(2) Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

Minor replat means the subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Modular home means a dwelling unit constructed in accordance with applicable building codes and that is substantially constructed in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

Motor vehicle service means a building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tires and other repair services except body work or painting are rendered.

Moving and storage facility means any establishment that stores material not owned by the operator of the establishment to include mini-warehouses.

Multifamily means any building containing three (3) or more dwelling units.

Net usable acreage means the square footage of a parcel land that has the ability to be developed after factoring out such items as jurisdictional wetlands, water bodies or any other feature precluding development.

Night club means a restaurant, dining room, bar or other similar establishment providing food or refreshments, wherein paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise.

Nonconforming development means any structure or use of a structure which on the effective date of this Code does not conform to the provisions for the district in which said lot is located.

Nonconforming lot of record means any lot which, on the effective date of this Code, or any date thereafter, does not conform to the lot area or width requirements established for the district in which said lot is located.

Nonconforming sign means any sign so designated by section 27-707 of this Code.

Non-residential district includes the following zoning districts: C-1, C-2, C-3, CBD, and conservation.

Nursing home means a facility as defined in F.S. ch. 400, pt. I.

Oceanfront lot means any parcel of land that abuts the Atlantic Ocean at the east property line.

Office means any establishment that conforms to the following characteristics:

- (1) No retail sales, display or storage of merchandise;
- (2) No manufacture, repair or work of a mechanical nature;
- (3) No machinery, except for normal office equipment such as typewriters, calculators, and computers.

Off-street loading means loading spaces located beyond the right-of-way of a street or highway.

Off-street parking means parking spaces located beyond the right-of-way of a street or highway.

Open space means the total amount of open space between and around structures including necessary outdoor living space, outdoor recreation space, outdoor parking space, and streets in the project other than existing arterial streets.

Ordinary maintenance (Section 27-626) means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Original appearance (Section 27-626) means that appearance (except for color) which closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

Outdoor living space means the total outdoor area including required outdoor recreation space, but excluding buildings, garages, carports, driveways, roadways, or parking areas. The outdoor living space is part of the required open space.

Outdoor recreation space means the total amount of usable area permanently set aside or designed specifically for recreation space for the development.

Overlay district means a district in which additional development restrictions or protective measures are imposed in addition to the zoning district regulations which apply within the zone.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Owner of record (Section 27-626) means the person, corporation, or other legal entity listed as owner on the records of Duval County, Florida.

Package liquor store means any establishment where alcoholic beverages with an alcoholic content in excess of fourteen (14) percent are dispensed or sold in containers for consumption off the premises.

Parcel means a unit of land within legally established property lines.

Park means a tract of land, designated and used by the public for active and passive recreational purposes.

Parking lot or vehicle accommodation area means an area, or plot of ground, used for the storage or parking of motor vehicles, either for compensation or to provide an accessory service to a business, industrial, or residential use.

Parking space means a portion of a parking lot in which one (1) motor vehicle is to be parked.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

Pharmacy means an establishment wherein the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where non-medical products such as greeting cards, magazines, cosmetics and photographic supplies may also be sold.

Plat, replat, amended plat, or revised plat means a map or drawing upon which an exact representation of a subdivision of lands and other information is presented in compliance with the requirements of all applicable sections of this Code.

Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Preliminary development order means any preliminary order that grants, denies, or grants with conditions a development project or activity. A preliminary development order that grants approval does not authorize actual construction, mining or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include future land use map amendments, comprehensive plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Preliminary development plan means a conceptual drawing, sketch, or schematic or any other document either drawn or written, that shows the intended use of the property and design features pertinent to its potential development.

Premises means a building or structure and its grounds including parking lots. (Proposed definition)

Principal arterial (Section 27-473) means a roadway that is part of an interconnected network of continuous routes serving transportation corridors with high traffic volumes and long trips, the primary function of which is to provide safe and efficient service for major traffic movements in which access is subordinate.

Principal structure means the primary dwelling unit or structure located on the lot that houses a principal use, and not any other accessory structure or building.

Private club means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Public facility(ies) includes any or all of the following: roads, sanitary sewer, potable water, drainage, solid waste, and/or recreation and open space.

Public park/recreation area means a tract of land within a municipality or unincorporated area which is kept for ornament and/or recreation and which is maintained as public property.

Quasi-judicial, (adj.) means relating to a judicial act performed by an official who is not a judge. Quasi-judicial acts are subject to review by courts.

Radio/television broadcasting studio means a facility for the production and broadcast of radio and television shows including things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Code.

Recreation vehicle means a vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

Recycling collection center means a facility where recovered materials (generally newspapers, plastics, metals, glass and paper) are delivered for further processing (sorting, baling, condensing, etc.) for shipment to recovered material markets.

Regulated tree means any tree that is at least six (6) inches in diameter or two (2) feet in circumference, whichever is lesser at a point 4.5 feet above ground level and/or requires a permit for removal or relocation.

Remove (Section 27-626) means to relocate a building or structure on its site or to another site.

Repair means restoration of portions of a building to its condition as before decay, wear, or damage, but not including alteration of the shape or size of any portion.

Replacement stock (Section 27-445) means any immature tree, other than palm trees, with a minimum diameter of two (2) inches at ground level and having a height of at least four (4) feet.

Residence, multifamily means any residential structure containing three (3) or more separate dwelling units.

Residence, single-family means a structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.

Residence, two-family (duplex) (See definition of "duplex")

Residential treatment facility means a facility other than a hospital, nursing home, or group care home, having one (1) or more supervisors residing on the premises and providing board, lodging, medication and other treatment and counseling for persons progressing from relatively intensive treatment for criminal conduct, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions, as well as providing relatively intensive diagnostic or therapeutic services for alcoholism, drug abuse, mental illness, emotional problems, developmental disabilities or similar conditions for its residents. Nothing shall prevent a residential treatment facility from having outpatients. The residents are generally intending to return to full normal participation in community life.

Restaurant, carry-out and delivery means any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state for consumption off-premises and whose principal method of operation includes pick-up by the customer or delivery by an employee.

Restaurant, fast food means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state for consumption either within the building or for carry-out with consumption off the premises, and whose principal method of operation includes service of foods, frozen deserts or beverages in edible containers or in paper, plastic, or other type of disposable containers.

Restaurant, interior service means any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state and whose principal method of operation includes service by a restaurant employee at a table or counter at which said items are consumed on premises. A cafeteria shall be deemed an interior service restaurant.

Retail, furniture and appliance means establishments primarily engaged in the retail sale of household or office furniture, appliances, floor coverings and miscellaneous furnishings.

Retail, general means any establishment that sells products at a retail level.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain, or any other legal means.

Seat means (for the purposes of determining the number of off-street parking spaces) the number of chairs, stools or each twenty-four (24) inches of benches or pews, installed or indicated. For areas without seating, such as standing space, dance floors, bars, etc. each seven (7) square feet of floor space shall constitute a seat.

Shopping center means a group of retail stores or service establishments planned and developed as a unit by one operator, owner, organization, or corporation for sale or for lease upon the site on which they are built.

Short-term rentals means the rental of a private dwelling, including, but not limited to a single-family home, a townhouse, duplex, triplex, multifamily, condominium, or the like which is rented, leased or advertised for a term period less than twenty-eight (28) days. Short-term rentals shall be considered to be "commercial uses" as are motels, motor lodges, resort rentals, bed and breakfasts or tourist court uses.

Single-family lot (Section 27-445) means an area of land not larger than five (5) acres in size, developed for and restricted to, a single-family residence.

Social, fraternal club and lodge means a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements, and includes Knights of Columbus, Masons, Moose, Elks, etc.

Special exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or the roof.

Street, principal or minor arterial means a part of the roadway system serving as a principal network for through traffic flow, including all State roads and any other roadway serving a similar function as designated in the Neptune Beach Comprehensive Plan.

Street, collector means a road designed primarily to connect local streets with arterials, as designated in the Neptune Beach Comprehensive Plan.

Street, local (Section 27-473) means a roadway which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself and no more than one thousand six hundred (1,600) vehicles per day.

Street, cul-de-sac (Section 27-473) means a local street that terminates in a vehicle turnaround.

Structure means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. It also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and signs.

Structure (Section 27-626) includes, but is not limited to, buildings, walls, gates, monuments, and fountains.

Structurally altered means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor or roof joists or trusses.

Species of special concern (Section 27-422) means any flora or fauna designated as such by the State of Florida.

Subdivision means any subdivision or resubdivision of a subdivision, tract, parcel or lot of land into two (2) or more lots or parcels by means of mapping, platting, conveyance, change or rearrangement of boundaries.

Swimming pool means a structure above or below ground level used for bathing, wading, or swimming purposes and being over twenty-four (24) inches deep at any point from the top of the structure wall to the bottom of the structure.

Tandem parking space means a parking space that abuts a second parking space in such a manner that vehicular access to the tandem space can be made only through the second parking space.

Temporary structure means a subordinate structure that is intended to occupy a portion of the lot in which the principal structure resides, for only such time as the use is necessary and is further specified by

this Code, to include but not limited to portable storage units commonly referred to PODS, canopies, tents, fences of a transient nature such as barricades.

Theater means an establishment offering live presentations or showing motion pictures to be viewed in an auditorium.

Threatened species means any flora or fauna that is so designated in Section 39-27.004, Florida Administrative Code or in 50 CFR 17.11-12.

Townhouse means a single family dwelling constructed in a series or group of attached units in which each unit has its own front and rear access to the outside and no unit is located over another unit, with property lines and fire walls as required by the Florida Building Code, separating each unit.

Trade school means an establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, machinery repair and operation, welding, fabrication and the like.

Tree (Section 27-445) means any living self-supporting perennial plant which has a trunk diameter of at least four (4) inches measured three (3) feet above grade (at the base of the tree) and normally grows to a minimum overall height of fifteen (15) feet.

Trees planted for harvest (Section 27-445) means all trees which have been planted, or shall be planted with the bona fide intention at the time of said planting to commercially harvest said trees in the future. These trees shall include, by way of illustration and not limitation, Christmas trees, slash pines, and pulpwood.

Use means the purpose for which land or water or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained.

Variance means a grant of relief authorized by the ~~board of appeals~~ community development board, or the city council ~~upon recommendation by the planning and development review board~~, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.

Veterinary clinic means a facility that has been issued a premises permit to engage in the practice of veterinary medicine as provided for in F.S. ch. 474, Florida Statutes.

Vocational school means an establishment in which is offered, for compensation, instruction in a vocation such as, but not limited to, barbering, cosmetology, hair styling, bartending and interior decorating.

Wetlands protection zone/wetlands, jurisdictional shall have the same meaning as the definition of "wetlands" set forth in F.S. § 373.019(22), as may be amended from time to time. The delineation of jurisdictional wetland boundaries shall be made by professionally accepted methodology consistent with the unified statewide methodology for the delineation of the extent of wetlands ratified by the state legislature pursuant to F.S. Ch. 373.

Wholesale sales means any establishment engaged in on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Worship facility means a building used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels, and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; but not including child day care centers, community recreation facilities, and private primary and/or secondary educational facilities. Churches, synagogues, and temples shall constitute a worship facility.

Written or in writing means any representation of words, letters or figures, whether by printing or otherwise.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front means a yard that extends across the front of a lot between the lot lines, from the front line of any structure, excluding steps, to the front of the lot. (See Figure 27-216-2.)

Yard, rear means a yard that extends across the rear of a lot between the side lot lines and measured between the rear line of the lot and the rear line of the building, excluding steps and unenclosed porches. (See Figure 27-216-2)

Yard, side means a yard between any structure and the side line of the lot, and extending from the front yard line to the rear building line, excluding steps. (See Figure 27-216-2.)

GRAPHIC LINK:[Click here](#)

Year means a calendar year, unless otherwise indicated.

Zoning map means that map adopted by reference in section 27-9.

Zoning permit means a permit that is issued by the ~~building official or designee~~ city manager or designee after determining that the proposed use is consistent with the uses permitted in that zoning district.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-18, § 1, 12-6-04; Ord. No. 2005-03, § 1, 3-7-05; Ord. No. 2006-03, § 1, 3-6-06; Ord. No. 2006-06, § 1, 5-1-06; Ord. No. 2007-07, § 1, 6-4-07; Ord. No. 2008-10, § 1, 9-8-08)

Section 4. Sec. 27-32. Generally. is hereby amended as follows:

Sec. 27-32. Generally.

This article describes those administrative bodies that shall administer and enforce this Code (~~planning and development review board, board of appeals, community development board,~~ code enforcement board, city staff, and the city council); describes membership requirements where appropriate; and outlines the functions, powers, and duties of each with respect to this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

Secs. 27-33--27-35. Reserved.

Section 5. DIVISION 2. ~~PLANNING AND DEVELOPMENT REVIEW~~ COMMUNITY DEVELOPMENT BOARD Sec. 27-36. Establishment. is hereby amended as follows:

DIVISION 2. ~~PLANNING AND DEVELOPMENT REVIEW~~ COMMUNITY DEVELOPMENT BOARD

Sec. 27-36. Establishment.

In accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. ch. 163, pt. D, the ~~planning and development review~~ community development board is hereby designated as the local planning agency. As such, the board is created to carry out the functions of a local planning agency pursuant to the requirements of Florida Statutes, Chapter 163, and to review and recommend action to the city council on (i) on special exceptions and land use policies; (ii) preliminary development plans; ~~and~~ (iii) variance requests for ~~property located within the C-1, C-2, C-3, conservation and CBD zoning districts submitted under the provisions of this Code.~~; and (iv) administrative appeals.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 6. Sec. 27-38. Officers is hereby amended as follows:

Sec. 27-38. Officers.

(a) *Appointment.* The board shall have seven (7) members appointed by the mayor subject to confirmation by resolution of the city council.

(b) *Eligibility requirements.* The following conditions for eligibility for appointment to the board shall apply:

(1) *Place of residence.* Each member shall reside in the City of Neptune Beach.

(2) *City employees and members of the city council.* No member of the city council or employee of the city shall be eligible for membership on the board.

(c) *Composition.* Any interested and eligible citizen as provided for above may be appointed to the board, but those with experience or interest in the field of planning and zoning or historic preservation shall receive special consideration. Whenever possible, the board shall include at least one (1) each of the following:

- (1) An architect or landscape architect;
- ~~(2) A person engaged in real estate sales or development;~~
- (2) A person engaged in real estate sales or development;
- ~~(3 ~~2~~ 3)~~ A natural or environmental scientist;
- ~~(4 ~~3~~ 4)~~ An engineer; and,
- ~~(5 ~~4~~ 5)~~ An urban/regional planner.

(d) *Terms of office.* Each member shall be appointed to a three-year term. No person may serve more than two (2) consecutive three-year terms. Persons disqualified by this provision may be reappointed after one (1) year elapses after the expiration of the second term of service.

(e) *Conditions for removal from board.* A member of the board shall be removed from the board and the member's office declared vacant by the city council under any of the following conditions:

- (1) If the member fails to attend three (3) successive regular meetings.
- (2) If the member moves outside of the city.
- (3) If by majority vote, the city council declares without notice and without assignment of cause the removal of a member.

(f) *Vacancies.* When a position becomes vacant before the end of the term, the mayor, subject to confirmation by majority vote of the city council, shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

(g) *Appointment of chair and vice-chair.* The members of the board shall annually elect, by majority vote, a chair, and vice-chair from among the members. The chair, or in the absence of the chair, the vice-chair, may administer oaths. The mayor may create and fill other offices as deemed necessary.

(h) *Subcommittees.* The board may create whatever subcommittees it deems necessary to carry out the purposes of the board. The board may have a standing subcommittee that will serve as the historic preservation board for the city, as deemed necessary.

(i) *Appointment of subcommittees.* The chair of the board shall appoint the membership of each subcommittee from the members of the board.

(j) *Record keeping.* The city clerk shall serve as custodian of all board minutes.

(k) *Compensation.* Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the city council.

(l) *Alternate members.* Two (2) alternate members may be appointed by the mayor, subject to confirmation by resolution of the city council, to serve on the board in the absence of board members. Each alternate member shall be appointed for one-year terms and may be reappointed for a total term limit of three (3) consecutive one-year terms.

~~(m) *Absence.* A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.~~

~~(n ~~m~~ m)~~ *Training.* The board members shall have one (1) training session per year to be given by the city attorney or a seminar approved by the city manager, if budgeted by the city council.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-04, § 1, 3-7-05)

Section 7. Sec. 27-39. General functions, powers and duties. is hereby amended as follows:

Sec. 27-39. General functions, powers and duties.

(a) In general, the board shall have the following general functions, powers, and duties:

~~(1) With the prior approval of the city council, the board may use consultants as technical support to fulfill its functions and duties.~~

(1) With the prior approval of the city council, the board may use consultants as technical support to fulfill its functions and duties.

~~(2) The board, through the city manager, may request information from any official, staff member, or department of the city, which shall be provided within a reasonable time.~~

~~(3 ~~2~~)~~ The board shall monitor and oversee the operation, effectiveness and status of this Code and recommend amendments to the city council that are consistent with the comprehensive plan.

~~(4) Those functions more particularly set forth in subsections (b), (c), and (d) below.~~

~~(5) Each action of the board is advisory, unless otherwise provided in this Code.~~

~~(b ~~2~~)~~ Specifically, the board shall have the following functions, powers, and duties for long-range planning within the city:

(1 a) The board shall review information necessary to assess the amount, direction, and type of development to be expected in the city.

(2 b) Upon request by the city council, the board shall provide advice about specific planning, zoning, development, historic preservation, and land use issues and policies.

(3 c) The board shall keep the city council and the general public informed and advised on the planning, zoning, development, historic preservation, and land use issues and policies of the city.

(4 d) The board shall carry out the functions of a local planning agency pursuant to the requirements of F.S. ch. 163, including, without limitation, conducting public hearings, gathering information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the comprehensive plan and provisions of this Code. See F.S. § 163.3174.

(5 e) The board may make or obtain special studies on the location, condition and adequacy of specific facilities of the city, including, but not limited to housing, commercial and industrial facilities, parks, playgrounds, beaches, and other recreational facilities, schools, public buildings, public and private utilities, transportation, and parking.

(6 f) The board shall review redevelopment plans prepared under F.S. ch. 163, pt. III, as may be proposed.

(7 g) The board shall recommend to the city council plans for the replanning, reconstruction, or redevelopment of any area or district which may be destroyed, in whole or in part, or seriously damaged by hurricane, fire, earthquake, flood, or other disaster.

(8 h) The board shall perform other lawful duties, as may be assigned by the city council.

~~(e ~~3~~ 4)~~ The board shall review and recommend to city council ~~either~~; approval, approval with conditions, or denial of applications for:

(1 a) preliminary development plans,

(2 b) special exceptions and

(3 c) variances for property located in the C-1, C-2, C-3, Conservation and CBD zoning districts

(4 5) The board shall make a final decision for all variances for property located in the R-1, R-2, R-3, R-4 and R-5 zoning districts.

(5 6) The board shall make a final decision for all administrative appeals.

~~(d 6)~~ The board shall have the following functions, powers, and duties for historic preservation within the city:

(1 a) The board shall work with the Jacksonville Historic Landmarks Commission in assisting property owners of historically significant structures in applying for and utilizing state and federal assistance programs.

(2 b) The board shall work with residents to nominate historically significant structures for state and federal designation.

(3 c) The board shall advise the city council concerning the effects of local government actions on cultural resources.

(4 d) The board shall advise property owners and city departments concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 8. Sec. 27-40. Board procedures. is hereby amended as follows:

Sec. 27-40. Board procedures.

(a) The board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other city ordinances, and state law and shall be filed in the office of the city clerk.

(b) All meetings shall be conducted in a public building and shall be open to the public.

(c) The board shall meet each calendar month, unless cancelled by the board or its chair; and more often at the call of the chair, the board, or the city council.

(d) Notice of meetings. Notice of meetings shall be given as provided for in this Code and by state statute. Additionally, notice indicating the time and place of the public hearing shall be posted in the front yard of the property which is subject of the hearing, facing the street on which the property is addressed for at least ~~two (2) weeks immediately~~ ten (days) prior to the hearing. Such notice shall contain the address of the property and the subject matter of the hearing. The notice on the property site shall be of a standard size and design approved by the ~~building official~~ city manager or designee and shall be provided to the property owner or their representative upon request.

(e) The board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision of each member on every question. The minutes shall be signed by the chair, or in his absence the vice-chair.

(f) Statement of the facts for variances and special exceptions found by the board shall be included in the minutes of each case heard or considered by it.

(g) The board shall set a reasonable time for the hearing of administrative appeals and shall give notice thereof to the person making the appeal and to the officer from whom the appeal is taken.

(f h) The minutes shall be filed with the city clerk and shall become part of the public record.

(g i) A copy of the minutes of each meeting shall be forwarded to the city council for its review.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 9. Sec. 27-41. Voting and quorum. is hereby amended as follows:

Sec. 27-41. Voting and quorum.

(a) Four (4) members shall constitute a quorum.

(b) Each decision of the board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. If a call to vote for a motion ends in a tie, the motion dies for a lack of a majority.

(c) Abstentions and disqualification from voting shall occur in accordance with Florida Law.

(d) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing. ~~unless the member has reviewed the evidence received.~~

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-04, § 1, 3-7-05)

Section 10. Division 3. Board Of Appeals And Sec. 27-46. Establishment. And Sec. 27-47. Membership And Officers. And Sec. 27-48. General Functions, Powers And Duties. And Sec. 27-49. Board Procedures. And Sec. 27-50. Voting And Quorum. And Sec. 27-51.

Rights Of Disqualified Member. And Sec. 27-52. Legal Representation is hereby deleted as follows:

DIVISION 3. BOARD OF APPEALS

Sec. 27-46. Establishment.

There is hereby established a board of appeals to hear administrative appeals and applications for variances in the following zoning districts: R-1, R-2, R-3, R-4, and R-5.
(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-47. Membership and officers.

(a) *Appointment.* The board shall have seven (7) members appointed by the mayor subject to confirmation by resolution of the city council.

(b) *Eligibility requirements.* The following conditions for eligibility for appointment to the board shall apply:

(1) *Place of residence.* Each member shall reside in the City of Neptune Beach.

(2) *City employees and members of the city council.* No member of the city council or employee of the city shall be eligible for membership on the board.

(c) *Terms of office.* Each member shall be appointed to a three year term. No person may serve more than two (2) consecutive three year terms. Persons disqualified by this provision may be reappointed after one (1) year elapses after the expiration of the second term of service.

(d) *Conditions for removal from board.* A member of the board shall be removed from the board by the city council and the member's office declared vacant under any of the following conditions:

(1) If the member fails to attend three (3) successive regular meetings.

(2) If the member moves outside of the city.

(3) If by majority vote, the city council declares without notice and without assignment of cause the removal of a member.

(e) *Vacancies.* When a position becomes vacant before the end of the term, the mayor, subject to confirmation by resolution of the city council, shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

(f) *Service after expiration of term; chair and vice chair.* A member whose term expires may continue to serve until a successor is appointed and qualified. The members shall annually elect, by majority vote, a chair and vice chair from among the members. The chair, or in the absence of the chair, the vice chair, may administer oaths and compel the attendance of witnesses.

(g) *Recordkeeping.* The city clerk shall serve as custodian of all board minutes.

(h) *Compensation.* Members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the city council.

(i) *Alternate members.* Two (2) alternate members shall be appointed by the mayor, subject to confirmation by resolution of the city council, to serve on the board in the absence of board members. Each alternate member shall be appointed for one year terms and may be reappointed for a total term limit of three (3) consecutive one year terms. The appointment shall be made in compliance with the requirements as set forth in subsection (b) above.

(j) *Training.* The board members shall have one (1) training session per year to be given by the city attorney or a seminar approved by the city manager if budgeted by the city council.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-04, § 1, 3-7-05)

Sec. 27-48. General functions, powers and duties.

The board shall be limited to hearing and deciding the following:

(1) Appeals from any order, requirement, decision, interpretation or determination made by any administrative official charged with administering this chapter, as provided for in article III.

~~(2) Applications for variances in the following zoning districts: R-1, R-2, R-3, R-4 and, R-5, as provided for in article III.~~

~~(Ord. No. 2004-10, § 1, 10-4-04)~~

~~Sec. 27-49. Board procedures.~~

~~(a) All meetings and hearings shall be open to the public.~~

~~(b) The board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other city ordinances, and state law and shall be filed in the office of the city clerk.~~

~~(c) The board shall meet at the call of the chair, at the request of the city council or three (3) members of the board, and at such other times as the board may determine.~~

~~(d) The board shall keep minutes of its proceedings, indicating the attendance of each member, and for each decision, the vote of each member.~~

~~(e) Statement of the facts found by the board shall be included in the minutes of each case heard or considered by it.~~

~~(f) The board shall set a reasonable time for the hearing of appeals and shall give notice thereof to the person making the appeal and to the officer from whom the appeal is taken.~~

~~(Ord. No. 2004-10, § 1, 10-4-04)~~

~~Sec. 27-50. Voting and quorum.~~

~~(a) Four (4) members shall constitute a quorum.~~

~~(b) Each decision for each board action of the board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the event of a tie, the motion shall die for lack of a majority.~~

~~(c) Abstention and disqualification from voting shall occur in accordance with Florida law.~~

~~(1) The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or~~

~~(2) The member owns property within the area entitled to receive mailed notice of the hearing; or~~

~~(3) Other applicable law.~~

~~(d) A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.~~

~~(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-04, § 1, 3-7-05)~~

~~Sec. 27-51. Rights of disqualified member.~~

~~(a) An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.~~

~~(b) Abstention and disqualification from voting shall occur in accordance with Florida law.~~

~~(Ord. No. 2004-10, § 1, 10-4-04)~~

~~Sec. 27-52. Legal representation.~~

~~The city council may appoint legal counsel to represent the board.~~

~~(Ord. No. 2004-10, § 1, 10-4-04)~~

~~Secs. 27-53-27-55. Reserved.~~

Section 11. DIVISION 6. CITY COUNCIL Sec. 27-66. City council. is hereby amended as follows:

DIVISION 6. CITY COUNCIL

Sec. 27-66. City council.

(a) In considering appeals from variance decisions by the ~~board of appeals~~ community development board, the city council shall observe procedural requirements set forth in article III. The city council shall review and grant final authority for all special exceptions and for variances for property located in the C-1, C-2, C-3, CBD and conservation zoning districts.

(b) In considering proposed changes to this code, the city council acts in a legislative capacity, and when making changes to the zoning map, the city council acts in a quasi-judicial manner and shall observe procedural requirements set forth in article III.

(c) Unless otherwise specifically provided in this chapter, the city council shall follow the regular, voting and other requirements as set forth in other provisions of the city code, the city charter, or laws of the state of Florida.

(Ord. No. 2004-10, § 1, 10-4-04)

Secs. 27-67--27-70. Reserved.

Section 12. Sec. 27-82. Procedure for applying for and issuing development orders.
is hereby amended as follows:

Sec. 27-82. Procedure for applying for and issuing development orders.

(a) *Optional pre-application conference.* Prior to filing for preliminary development plan review, the developer may, at their option, meet with city officials to discuss the development plan and review process. No person shall rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(b) *Submittal of preliminary development plan.* The developer shall submit a preliminary development plan, as defined in this part, accompanied by a fee established by resolution of the city council. If more than three (3) months elapse following the issuance of the preliminary development order, the developer must re-submit the plan for preliminary review.

(c) *Determination of complete application.* Within ten (10) days of receipt of a preliminary development plan, the city manager or designee shall determine that the information is complete or incomplete and inform the developer in writing of the deficiencies, if any. If the plan is deemed incomplete, the developer may submit an amended plan within thirty (30) working days without payment of an additional fee, but, if more than thirty (30) days have elapsed, the developer must thereafter initiate a new application and pay a new fee.

(d) *[Copies.]* The ~~city clerk~~ building department shall send a copy of the proposed preliminary development plan to each member of the ~~planning and development review~~ community development board and shall place the proposed plan on the agenda of the next meeting that allows for proper notice.

(e) *[Public hearing.]* The ~~planning and development review~~ community development board shall conduct a public hearing as outlined in the Florida Statutes, and shall consider the following factors:

(1) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

(2) Whether the concurrency requirements of article VI of this Code could be met if the development were built.

(3) The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features;

proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.

(4) Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

(5) Applicable regulations, review procedures, and submission requirements.

(6) Concerns and desires of surrounding landowners and other persons.

(7) Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

(f) *Review of preliminary development plans and issuance of a preliminary development order.* The ~~planning and development review~~ community development board shall conduct a public hearing on the preliminary development plan to determine whether the plan satisfies the requirements of this Code. Based on the determination from evaluating the above factors, the ~~planning and development review~~ community development board shall either:

(1) Issue a preliminary development order complying with section 27-87 of this Code with or without conditions; or

(2) Refuse to issue a preliminary development order if it is not possible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

(g) *Submittal of final development plan.* The developer shall submit a final development plan, as defined in this code, for review by the City Council within the time period in which the preliminary development order is valid. The final development plan shall be consistent with the preliminary development order and shall contain no land uses different than those approved in the preliminary development order.

(h) *Review of final development plans and issuance of a final development order.* The city council shall conduct a public hearing on the final development plan to determine whether the plan satisfies the requirements of this Code. Based on the determination from evaluating the above factors the city council shall either:

(1) Issue a final development order complying with section 27-87 of this Code with or without conditions, ensuring that the final development plan is consistent with the preliminary development order; or

(2) Refuse to issue a final development order if it is not possible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

(i) *Development permit application.* Application for a development permit shall be made to the building department on a form provided by the city and may be acted upon by the city without public hearing or notice.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 13. Sec. 27-87. Required and optional contents of preliminary development orders is hereby amended as follows:

Sec. 27-87. Required and optional contents of preliminary development orders.

(a) A preliminary development order shall contain the following required materials:

(1) An approved preliminary development plan (may be subject to conditions and modifications) with findings and conclusions.

- (2) A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.
- (3) A listing of federal, state, and regional permits that must be obtained in order for a final development order to be issued.
- (4) With regard to the concurrency management requirements in article VI:
- a. The initial determination of concurrency.
 - b. The time period for which the preliminary development order is valid. This initial determination indicates that capacity is expected to be available for the proposed project, provided that a complete application for a final development order is submitted prior to the expiration date of the preliminary development order.
 - c. Notice that the preliminary development order does not constitute a final development order and that one or more concurrency determinations may subsequently be required. The notice may include a provisional listing of facilities for which commitments may be required prior to the issuance of a final development order.
 - d. Notice that issuance of a preliminary development order is not binding with regard to decisions to approve or deny a final development order, and that it does not constitute a binding commitment for capacity of a facility or service.
- (b) A preliminary development order may contain one (1) or more of the following optional material:
- (1) Agreement by the developer in a recordable written instrument running with the land that no final development order will be requested or approved unless the necessary facilities are programmed for construction within specified time periods.
 - (2) Commitment by the developer in a recordable written instrument to contract for provision of the necessary services or facilities to achieve the concurrency requirement.
 - (3) Schedule of construction phasing of the proposed development consistent with the anticipated availability of one (1) or more services or facilities.
 - (4) Such other conditions as may be required by the ~~planning and development review~~ community development board to ensure that concurrency will be met for all applicable facilities and services.
- (Ord. No. 2004-10, § 1, 10-4-04)

Section 14. Sec. 27-102. Procedures for platting is hereby amended as follows:

Sec. 27-102. Procedures for platting.

- (a) *Submittal of preliminary plat.* Twelve (12) copies of the preliminary plat, as described in F.S. ch. 177, and at a scale prescribed by the City of Jacksonville, shall be submitted to the ~~building official or designee city manager or designee community development director~~. Preliminary development plans may be submitted and considered simultaneously with the preliminary plat.
- (b) *[Copies of preliminary plat.]* The ~~building official city manager or designee community development director~~ shall forward copies to the ~~planning and development review~~ community development board after circulating copies to the various city departments for their review.
- (c) *[Discussion of details.]* The developer may be asked to meet with city staff to discuss any details of said preliminary plat that may impede the approval and acceptance of the plat.
- (d) *[Recommendations and comments.]* Each city department, that so wishes, and the ~~planning and development review~~ community development board shall submit to the ~~building official city manager or designee community development director~~ any recommendations and comments in writing.
- (e) *[Copy of recommendations and comments.]* The ~~building official city manager or designee community development director~~ shall then forward a copy of said recommendations and comments to the developer and retain the originals as a record.
- (f) *Submittal of final plat.* Within six (6) months of receiving said comments and recommendations, the developer shall then submit the final plat in triplicate as described in F.S. ch. 177, to the ~~building official~~

~~city manager or designee community development director~~, of which one shall be the original. If more than six (6) months elapses, the developer shall resubmit a preliminary plat to reinstate the process.

(g) *[Original retained by city clerk.]* The ~~building official city manager or designee community development director~~ shall forward the original to the city clerk who shall retain it for the permanent record. ~~The building official shall forward one copy to the planning and development review board and circulate one copy to the various city departments for review.~~

(h) *[Recommendation by board.]* Within sixty (60) days after receipt of said final plat, the ~~planning and development review~~ community development board shall make a recommendation that approves, approves with conditions, or denies said final plat. Failure to do so shall be deemed as a recommendation of approval by the board.

(i) *[Approval or denial by city council.]* At the next available meeting of the city council allowing for required notice, the city council shall approve, approve with conditions, or deny said plat after consideration of the comments and recommendations of the ~~planning and development review~~ community development board and the various city departments.

(j) *[If accepted by council.]* Upon acceptance by the city council, the seal of the city and the signature of the mayor and city clerk shall be affixed to the original plat and returned to the developer.

(k) *[Plat to be recorded.]* Within six (6) months after the city council approves said final plat, the developer shall have recorded the plat in the public records of the county and shall return to the city clerk two (2) copies showing the certificates of the clerk of the circuit court of Duval County, Florida, and the seal of that court. If more than six (6) months elapse, such plat shall be deemed invalid and the city clerk shall notify the clerk of the circuit court of Duval County, Florida, to refuse to record such plat. The developer may resubmit said plat directly to the city council within one (1) year for reconsideration.

Section 15. Sec. 27-124. Procedure for minor deviations is hereby amended as follows:

Sec. 27-124. Procedure for minor deviations.

If the work is found to have one or more minor deviations, the city manager or designee may amend the final development order to conform to actual development. The city manager or designee may, however refer any minor deviation that significantly affects the development's compliance with the purposes of this Code to the ~~planning and development review~~ community development board for treatment as a major deviation.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 16. Sec. 27-125. Procedure for major deviations is hereby amended as follows:

Sec. 27-125. Procedure for major deviations.

(a) If the work is found to have one or more major deviations, the ~~building official city manager or designee community development director~~ shall:

(1) Place the matter on the next agenda of the ~~planning and development review~~ community development board, allowing for adequate notice, and recommend appropriate action for the board to take.

(2) Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the city determines that work or occupancy may proceed pursuant to the decision of the ~~planning and development review~~ community development board.

(3) Refer the matter to the code inspector, if it appears that the developer has committed violations within the jurisdiction of the code enforcement board.

(b) The ~~planning and development review~~ community development board shall hold a public hearing on the matter and shall take one of the following actions:

- (1) Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The final development order or permit may be revoked if this order is not complied with.
- (2) Amend the final development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development order given and the requirements of this Code.
- (3) Revoke the relevant final development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.
(Ord. No. 2004-10, § 1, 10-4-04)

Section 17. Sec. 27-132. Review of legislative decisions is hereby amended as follows:

Sec. 27-132. Review of legislative decisions.

Any final action by the city council, ~~the board of appeals~~ or the ~~planning and development review~~ community development board are subject to review in a court of competent jurisdiction as prescribed by law.

Section 18. Sec. 27-133. Review of administrative decisions is hereby amended as follows:

Sec. 27-133. Review of administrative decisions.

- (a) *Generally.* Any aggrieved or adversely affected person may appeal any final order or decision of the city manager or ~~building official or community development director or~~ their respective designees to the ~~board of appeals~~ community development board within thirty (30) days of the date that the order was rendered.
- (b) *Appeal application.* The appeal shall be made in writing indicating the following:
 - (1) A statement of the decision to be reviewed, and the date of the decision.
 - (2) A statement of the interest of the person seeking review.
 - (3) The specific error alleged as the grounds of the appeal.
- (c) *[Process appeals.]* The following procedure shall be followed to process appeals:
 - (1) Submittal of appeal. The aggrieved or adversely affected person shall submit a completed appeal application, as described in this part, to the city clerk who shall indicate on the application the date of submittal.
 - (2) The city manager, or designee, shall compile and transmit to the ~~board of appeals~~ community development board all copies constituting the record relating to the decision being appealed.
 - (3) The ~~board of appeals~~ community development board shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons making the appeal and to the officer from whom the appeal is being taken.
 - (4) At the hearing, parties of interest may appear in person or by agent or attorney. The ~~board of appeals~~ community development board may reverse, affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed. In so doing, the requisite board shall have all of the powers of the officer from whom the appeal is taken.
- (d) *Effect of appeal.* An appeal stays all actions required by or relating to the decision being appealed, unless the city manager certifies to the ~~board of appeals~~ community development board that such a stay would, in his opinion, cause imminent peril to life or property, in which case the actions shall not be stayed.
- (e) *Burden of proof.* The burden of proof that the decision being appealed is in error shall be upon the applicant for the appeal.

Section 19. Sec. 27-141. Generally. is hereby amended as follows:

Sec. 27-141. Generally.

~~The board of appeals, or the eCity council~~ upon recommendation by the ~~planning and development review~~ community development board, may grant a variance from the strict application of any provision of the Code, except provisions for permissible uses and concurrency, provided that such variance is granted in conformance with this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 20. Sec. 27-144. Notice requirements is hereby amended as follows:

Sec. 27-144. Notice requirements.

(a) Notice indicating the time and place of the public hearing shall be posted in two (2) places in the city, one of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one of which shall be at City Hall on the public notice board, for at least ~~fifteen (15)~~ ten (10) days immediately prior to the public hearing before the ~~board of appeals, planning and development review~~ community development board or the city council. Such notice shall contain the address or location of the property and the nature of the application. The notice at the variance site shall be a standard size and design established by the ~~board of appeals~~ community development board and shall be placed at the subject property by a representative of the building department.

(b) The ~~city clerk~~ building department shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ~~fifteen (15)~~ ten (10) days prior to the public hearing before the ~~board of appeals, planning and development review~~ community development board, ~~or the city council~~. The advertised notice shall state the date, time, place of the public hearing, case number, and shall contain the address of the property and the nature of the application.

(c) At least ten (10) days prior to the public hearing, the building department shall give notice of the public hearing before the ~~board of appeals, planning and development review~~ community development board, ~~or the city council~~ by U.S. mail to the following:

(1) The property owner and the applicant if different from the owner; and

(2) The owner(s), as listed in the current Duval County tax assessor's records, of each property within a three hundred-foot radius of the boundary of the subject property.

(d) If any party described in section 27-153 does not contest the issue of proper notice within thirty days from the date the applicable ~~board of appeals~~ community development board or the city council renders final action on a variance, then notice shall be deemed to be in compliance with this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 21. Sec. 27-145. Procedures for applying for and issuing a variance for property located within the R-1, R-2, R-3, R-4 and R-5 zoning districts is hereby amended as follows:

Sec. 27-145. Procedures for applying for and issuing a variance for property located within the R-1, R-2, R-3, R-4 and R-5 zoning districts.

(a) *Submittal of application.* The owner or developer shall submit a completed application, as described in section 27-143, to the office of the ~~building official~~ city manager or designee ~~community development director~~.

(b) *Determination of sufficiency.* The ~~building official~~ city manager or designee ~~community development director~~ shall review the application within five (5) working days of its submission to determine if it is sufficient. When the application is determined to be complete within the requirements of section 27-143, the ~~building official~~ city manager or designee ~~community development director~~ shall forward the application to the ~~board of appeals~~ community development board for consideration.

(c) ~~Board of appeals~~ Community development board *action.* Allowing for proper notice according to section 27-144, the ~~board of appeals~~ community development board shall conduct a public hearing and

shall issue a decision granting, granting with conditions, or denying the variance pursuant to the standards of this division and after making the findings of fact required by this division.
(Ord. No. 2004-10, § 1, 10-4-04)

Section 22. Sec. 27-145.1 Administrative variances. is hereby amended as follows:

Sec. 27-145.1 Administrative variances.

(a) The ~~city manager or designee community development director~~ is authorized to consider and grant or deny, pursuant to the procedures and standards contained in this subsection, a variance from the following regulations in residential zoning districts only:

(1) A reduction by variance of any front, side or rear yard setback by an amount not to exceed ten (10) percent of the applicable zoning district's requirement, but not to include buffers or any other setback that is a condition of a final development plan. (*Ex.* For a side yard setback, in which the requirement is seven (7) feet, the ~~city manager or designee community development director~~ could grant an administrative variance of no more than 0.7 feet. For a rear yard setback in which the requirement is twenty-five (25) feet, no more than two and one-half (2.5) feet can be granted administratively.)

(2) An increase in lot coverage of no more than five (5) percent from the amount required by the applicable zoning district.

(b) Any request for an administrative variance permitted by this section shall be filed with the city manager or designee or designee. The ~~director~~ city manager or designee shall review the administrative variance request and decide upon each application pursuant to the above subsections and by the required findings needed to issue a variance in section 27-147, and shall make a written decision on each application no later than fifteen (15) days from the date such application was filed. No administrative variance shall be granted that deletes, modifies, or changes in any manner any condition imposed by the board of appeals, ~~planning and development review~~ community development board or the city council.

(c) Required steps to file an administrative variance:

(1) The applicant shall fill out an administrative variance form provided by the ~~community development director~~ city manager or designee, or the building department.

(2) After the application has been filed with the ~~community development director~~ city manager or designee a decision to grant or deny the administrative variance will be made within fifteen (15) days.

(3) After reaching a decision on the application, a letter approving or denying the application will be sent to the applicant and a separate letter will be sent to the owner of each property within a three hundred-foot radius informing them of the decision.

(4) Any aggrieved or adversely affected party wishing to appeal the decision of the ~~community development director~~ city manager or designee to the ~~board of appeals~~ community development board must file their appeal within thirty (30) days of the ~~community development director~~ city manager or designee letter and file said appeal with the city clerk. The fee for appeal shall be the same as the fee to appeal an administrative decision.

(5) If no appeal is timely filed the applicant may apply for building permits at the building department that pertain to the granted administrative variance.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 23. Sec. 27-145.2. Procedures for applying for and issuing a variance for property located within the C-1, C-2, C-3, CBC and Conservation zoning districts is hereby amended as follows:

Sec. 27-145.2. Procedures for applying for and issuing a variance for property located within the C-1, C-2, C-3, CBC and Conservation zoning districts.

(a) *Submission of application.* The owner or developer shall submit a completed application, as described in section 27-143, to the office of the city manager or designee.

(b) *Determination of sufficiency.* The city manager or designee shall review the application within five (5) working days of its submission to determine if it is sufficient. When the application is determined to be complete within the requirements of section 27-143, the city manager or designee shall forward the application to the ~~planning and development review~~ community development board for consideration.

(c) ~~*Planning and development review*~~ *Community Development* board action. Allowing for proper notice as specified in this part, the ~~planning and development review~~ community development board shall conduct a public hearing and shall prepare, in writing, its comments and recommendation to the city council for approval, approval with conditions, or denial of the application. Any person at the public hearing shall be afforded the opportunity to be heard.

(d) *City council action.* At the next available meeting of the city council, allowing for required notice as described in this part, the city council shall approve, deny, or approve with conditions said application after consideration of the comments and recommendations of the ~~planning and development review~~ community development board, based on the standards set forth in this division.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-10, § 1, 8-6-07)

Section 24. Sec. 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~~ community development 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.

(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.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-10, § 2, 8-6-07)

Section 25. Sec. 27-148. Imposition of conditions in issuing a variance is hereby amended as follows:

Sec. 27-148. Imposition of conditions in issuing a variance.

In issuing a variance, the ~~board of appeals~~ community development board or the city council may impose, ~~or the planning and development review board may recommend,~~ such conditions and restrictions upon the premises benefited by a variance as may be necessary to minimize the injurious effect of the variance.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 26. Sec. 27-150. Special provisions where variance is sought to requirements in special flood hazard districts is hereby amended as follows:

Sec. 27-150. Special provisions where variance is sought to requirements in special flood hazard districts.

(a) *Additional finding required.* In addition to the findings required in section 27-147 above, the ~~board of appeals~~ community development board shall find that any variance in a special flood hazard district, as described in article VIII, division 2 of the ULDC, will not result in an increase in the elevation of the base flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.

(b) *[Considerations before issuance of variance.]* Considerations needed before issuance of variance in special flood hazard districts. Before granting a variance, the applicable board shall consider:

- (1) The danger that materials may be swept from the site onto other lands.
- (2) The danger to life and property from flooding or erosion.
- (3) The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.
- (4) The importance of the services provided by the proposed facility to the community and whether it is a functionally water-dependent use.
- (5) The availability of alternative locations, not subject to flooding or erosion, for the proposed use.
- (6) The compatibility of the proposed use with existing and anticipated neighboring development.
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (8) Safe vehicular access to the property in times of flood.
- (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, at the site.
- (10) The costs of providing governmental services during and after floods including: maintenance and repair of public utilities and facilities.

(c) *Flowage easements.* No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the base flood more than one (1) foot.

(d) *Written notification.* All variances to the flood damage prevention regulations shall:

- (1) Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
- (2) State that the variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.
- (3) State that construction below the flood protection level increases risks to life and property.

(e) *Record of variances to be maintained.* The ~~building official~~ ~~community development director~~ city manager or designee shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The ~~official~~ ~~community development director~~ city manager or designee shall report any or all to the Federal Emergency Management Agency, upon request.

Section 27. Sec. 27-153. Procedure for appeal is hereby amended as follows:

Sec. 27-153. Procedure for appeal.

(a) The following persons may appeal to the city council any final decision of the ~~board of appeals~~ community development board with respect to a variance for the property located within the R-1, R-2, R-3, R-4 or R-5 zoning districts:

- (1) The applicant for the variance;
- (2) The owner of any property within three hundred (300) feet, as described in section 27-144(c)(2), for which the variance was requested; or
- (3) Any person who appeared orally or in writing before the ~~board of appeals~~ community development board.

(b) The notice of appeal shall state the specific error(s) alleged as the grounds for the appeal and shall be filed, along with the filing fee, as passed by resolution of the city council, with the city clerk within thirty (30) days from the date the decision of the applicable board is rendered.

(c) At its next regular meeting, following all appropriate notice, the city council shall review the record of the hearing conducted by the ~~board of appeals~~ community development board. No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the ~~board of appeals~~ community development board decision. The city council shall uphold the decision of the ~~board of appeals~~ community development board unless the council finds that:

(1) Defects in notice or procedural due process are alleged and proven; or

(2) The decision of the ~~board of appeals~~ community development board is not supported by competent substantial evidence and testimony produced at the public hearing.

(3) New evidence is available because of substantial changes in circumstance.

(d) The city council must affirm, modify, or reverse, each appeal of a variance. When the council acts on an appeal of a final decision of the applicable board, that action shall be deemed to be the final action of the city and shall be subjected to no further review by the city council.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 28. Sec. 27-158.1. Notice requirements is hereby amended as follows:

Sec. 27-158.1. Notice requirements.

(a) Notice indicating the time and place of the public hearing shall be posted in two (2) places in the city, one of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one of which shall be at City Hall on the public notice board, for at least ~~fifteen (15)~~ ten (10) days immediately prior to the public hearing. Such notice shall contain the address or location of the property and the nature of the application. The notice at the variance site shall be a standard size and design established by the ~~planning and development review~~ community development board and shall be placed at the subject property by a representative of the building department.

(b) The city clerk shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ~~three (3) weeks~~ ten (10) days prior to the public hearing. The advertised notice shall state the date, time, place of the public hearing, case number, and shall contain the address of the property and the nature of the application.

(c) At least ten (10) days prior to the public hearing, the building department shall give notice of the public hearing by U.S. mail to the following:

(1) The property owner and the applicant if different from the owner; and

(2) The owner(s), as listed in the current Duval County tax assessor's records, of each property within a three hundred-foot radius of the boundary of the subject property.

(d) If any party described in section 27-153 does not contest the issue of proper notice within thirty days from the date the applicable board renders final action on a variance, then notice shall be deemed to be in compliance with this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 29. Sec. 27-159. Procedures for applying for and issuing a special exception is hereby amended as follows:

Sec. 27-159. Procedures for applying for and issuing a special exception.

(a) *Submittal of application.* The applicant shall submit a completed application using the prescribed form, as described in this division, to the city manager or designee along with the appropriate application fee.

(b) *Consideration by* ~~planning and development review~~ community development board. The city manager or designee shall forward said application to the ~~planning and development review~~ community development board for consideration.

(c) ~~Planning and development review~~ community development board action. Allowing for proper notice as specified in this division, the ~~planning and development review~~ community development board shall conduct a public hearing and shall prepare, in writing, its comments and recommendation to the city council for approval, approval with conditions, or denial of the application, based on the standards set forth in this division. Any person at the public hearing shall be afforded the opportunity to be heard.

(d) *City council action.* At the next available meeting of the city council, allowing for required notice as described in this division, the city council shall approve, deny, or approve with conditions said application after consideration of the comments and recommendations of the ~~planning and development review~~ community development board, based on the standards set forth in this division.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-11, § 1, 9-4-07)

Section 30. Sec. 27-160. Required findings needed to recommend a special exception is hereby amended as follows:

Sec. 27-160. Required findings needed to recommend a special exception.

The ~~planning and development review~~ community development board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

- (1) The proposed use is consistent with the comprehensive plan;
- (2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;
- (3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
- (4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;
- (5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
- (6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;
- (7) The proposed use would not overburden existing public services and facilities; and
- (8) The proposed use meets all other requirements as provided for elsewhere in this Code.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-11, § 2, 9-4-07)

Section 31. Sec. 27-161. Imposition of conditions in issuing a special exception is hereby amended as follows:

Sec. 27-161. Imposition of conditions in issuing a special exception.

In reviewing a special exception, the ~~planning and development review~~ community development board, and the city council may impose such conditions and restrictions upon the premises benefited by a special exception as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the special exception.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 32. Sec. 27-177. Procedure for rezoning of land is hereby amended as follows:

Sec. 27-177. Procedure for rezoning of land.

(a) The applicant shall submit to the city manager, or designee, one (1) completed application and appropriate fee, together with evidence that the deposit required by law to cover all costs of each

publication of every required notice of public hearing thereon has been made with the ~~building official~~ ~~community development director~~ city manager or designee.

(b) Within ten (10) days after receipt of an application, the ~~building official~~ ~~community development director~~ city manager or designee shall determine that the information is complete or incomplete and inform the applicant of any deficiencies, if any. If the application is deemed:

(1) Incomplete, the applicant may submit the required information within thirty (30) days without payment of an additional application fee, but, if more than thirty (30) days elapse, the developer must thereafter initiate a new application and pay a new application fee; or

(2) Complete, the ~~building official~~ ~~community development director~~ city manager or designee shall forward said application to the ~~planning and development review~~ community development board.

(c) The ~~planning and development review~~ community development board shall:

(1) Conduct such study and investigation of the matter as shall be necessary or proper;

(2) Conduct a public meeting to discuss the proposed changes and make a recommendation to the city council that the application should be approved, denied, or approved with modifications.

(d) The city council upon receiving such recommendation, shall conduct a public hearing on the proposed ordinance not more than sixty (60) days or less than thirty (30) days from the date the ~~planning and development review~~ community development board renders its written recommendation.

(e) After the adoption of an ordinance rezoning land, the city clerk shall forward a certified copy to the Property Appraiser of Duval County, Florida.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 33. Sec. 27-178. Notice and procedural requirements for rezoning of land or changes to Code is hereby amended as follows:

Sec. 27-178. Notice and procedural requirements for rezoning of land or changes to Code.

(a) [Sign posted.] A sign shall be posted on the premises involved in the rezoning at least three (3) weeks prior to the ~~planning and development review~~ community development board meeting and remain until the city council takes final action.

(b) [Required sign dimensions.] The required sign shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width.

(c) Location of posted sign. The sign shall be posted within ten (10) feet of the street upon which the premises face and shall be plainly visible, unobstructed and legible from the street.

(d) Process, public hearings and notification for amendments to this code or rezoning of land (city council public hearing). The amendment process, including public hearings and notification regarding amendments to this Code which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. 166, as amended.

(e) If any aggrieved party does not contest the issue of proper notice within thirty (30) days of the city council rendering its decision, then notice shall be deemed to be in compliance with this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 33. Sec. 27-184. Simultaneous action on amendment to the comprehensive plan and this Code is hereby amended as follows:

Sec. 27-184. Simultaneous action on amendment to the comprehensive plan and this Code.

In cases where a change in the comprehensive plan is needed prior to receiving a change in this Code, or the zoning map, nothing shall prohibit the application of an amendment to the comprehensive plan to be processed simultaneously, provided that the consideration of the amendment to the comprehensive plan by the ~~planning and development review~~ community development board and the city council shall appear first on any agenda. In such instances, two (2) ordinances will be required for each action.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 34. Sec. 27-187. Procedure for amending the comprehensive plan is hereby amended as follows:

Sec. 27-187. Procedure for amending the comprehensive plan.

- (a) Any person, board, or agency may apply in writing to amend the comprehensive plan.
- (b) The city manager, or designee, shall forward said proposed amendment to members of the ~~planning and development review~~ community development board.
- (c) The city manager, or designee, shall notify and solicit comments relative to the proposed amendment from the adjacent communities of the City of Jacksonville, the City of Jacksonville Beach, and the City of Atlantic Beach.
- (d) The ~~planning and development review~~ community development board shall hold a public hearing to consider said proposed amendment and thereafter shall submit to the city council a written recommendation which:
 - (1) Identifies any provisions of the Code, comprehensive plan, or other law relating to the proposed change and describes how the proposal relates to them.
 - (2) States factual and policy considerations pertaining to the recommendation.
 - (3) Includes those comments or recommendations received from adjacent communities.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 35. Sec. 27-219. Interpretation of zoning district boundaries is hereby amended as follows:

Sec. 27-219. Interpretation of zoning district boundaries.

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following rules, provided that the result of such application is not inconsistent with the comprehensive plan:

- (1) Boundaries shown as following or approximately following any street or alley shall be construed as following the centerline of the street or alley.
- (2) Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- (3) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- (4) Boundaries indicated as following city limits shall be construed as following such city limits.
- (5) Distances not specifically indicated shall be determined by the scale of the map.
- (6) Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (7) In cases where any further uncertainty exists, the ~~planning and development review~~ community development board shall consider the intent of the zoning map as to location of such boundaries, and provide the city council with its recommendation; however the city council shall make the final interpretation.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 36. Sec. 27-228. Uses permitted by special exception is hereby amended as follows:

Sec. 27-228. Uses permitted by special exception.

The ~~planning and development review~~ community development board may review and the city council may permit those uses, as listed in Table 27-226-1, that require a special exception permit according to the procedures and conditions outlined in article III of this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 37. Sec. 27-361. Expiration of concurrency certificate is hereby amended as follows:

Sec. 27-361. Expiration of concurrency certificate.

(a) If a development fails to commence in good faith within one (1) year from the date the development order is issued, the concurrency certificate shall be null and void.

(b) If a development commences in good faith, but is not completed within one (1) year from the date the development order is issued, the ~~planning and development review~~ community development board may grant extensions to the concurrency certificate.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 38. Sec. 27-363. Procedure for appeal is hereby amended as follows:

Sec. 27-363. Procedure for appeal.

Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the ~~board of appeals~~ community development board as provided for in article III.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 39. Sec. 27-407. Establishment of special flood hazard districts, coastal high hazard districts, and shallow flooding districts is hereby amended as follows:

Sec. 27-407. Establishment of special flood hazard districts, coastal high hazard districts, and shallow flooding districts.

(a) The following districts, as defined by this Code, are hereby established and shall constitute overlay districts, which place additional restrictions on development:

- (1) Special flood hazard district;
- (2) Shallow flooding district; and
- (3) Coastal high hazard district.

(b) The boundaries of these districts are shown on the flood insurance rate map, which is adopted by reference and declared to part of this Code along with any revisions.

(c) Because these boundaries are established according to physical criteria, the ~~building official~~ city manager or designee shall have the authority to interpret the exact boundary locations if there appears to be conflict between a mapped boundary and actual field conditions. Such interpretations may be appealed to the ~~board of zoning appeals~~ community development board.

(d) Development review. The ~~building official~~ city manager or designee shall review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone district, all such proposals shall be reviewed to assure that proposals are consistent with the need to minimize flood damage within the flood-prone district and adequate drainage is provided to reduce exposure to flood hazards. Such determinations may be appealed to the ~~board of zoning appeals~~ community development board.

(e) Elevation requirements. When a proposed development is designated as within a flood prone area on the flood insurance rate map, the developer shall provide the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures or, if the structure has been floodproofed in accordance with NFIP Regulations, the elevation (in relation to mean sea level) to which the structure was floodproofed. The city shall maintain a record of all such information in accordance with NFIP Regulations.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2001-03, §§ 2, 3, 5-7-01)

Section 40. Sec. 27-413. Procedure for appeal is hereby amended as follows:

Sec. 27-413. Procedure for appeal.

Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the ~~board of zoning appeals~~ community development board as provided for in article III.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 41. Sec. 27-446. Permit application procedures is hereby amended as follows:

Sec. 27-446. Permit application procedures.

The following procedures shall be followed and shall govern the granting of arbor permits pursuant to this section.

(1) Application. Permits for removal, relocation or alteration of trees shall be obtained by making application in a form prescribed by the city council to the following appropriate public bodies:

a. *Subdivision development.* For subdivision development, the application for development approval shall address tree removal and preservation. Generally, the developer shall only remove those trees that will hamper the installation of the improvement. To ensure that this limitation is not exceeded, the city council may require, during the subdivision approval process that the subdivider provide plans, aerial photographs or other data sufficient to allow an accurate determination to be made. The city council shall have final authority over the approval or denial of applications for permits in such instances. Staff evaluation of the appropriateness of the application will be included in their recommendation to the city council, and approval of the final plan shall constitute approval to issue the arbor permit.

b. *Street trees.* In addition, the subdivider shall be required to plant street trees from the shade tree portion of the city's tree list, located in section 27-450, within five (5) feet of the right-of-way of each street constructed within the subdivision or parallel or adjacent to a public utility easement, whichever is appropriate. One such tree shall be planted for every one hundred fifty (150) linear feet of street right-of-way. Where property on one side of the right-of-way is not owned by the subdivider, such trees shall be planted alternately on either side of the street. Such trees shall be no closer together than one hundred twenty (120) feet.

c. *Other development.* A separate arbor permit will not be required for any development which requires site plan approval by the ~~planning and development review~~ community development board or the city council. Tree removal or relocation will be reviewed and approved or denied as part of the development review process. Once a certificate of occupancy is issued, any tree removal or relocation will be subject to the regulations of section 27-445. Staff evaluation of appropriateness of the application will be included in their recommendation to the ~~planning and development review~~ community development board, and approval of the site plan shall constitute approval to issue the arbor permit.

d. For removal or relocation of regulated trees not associated with a site plan approval of the ~~planning and development review~~ community development board, an application shall be filed with the city manager's office, as described below.

e. For pruning of eight-inch or larger diameter limbs on regulated trees, an arbor permit will be required. This provision relates to pruning or alteration only, and applies to any development.

(2) *Submittals.* No permit fee shall be charged for authorized tree removal within the city. Each application for an arbor permit to alter, remove, relocate, or replace trees covered herein shall be accompanied by a written statement indicating the reasons for the requested action and two (2) copies of a legible site plan drawn to the largest practical scale indicating the following:

- a. Location, species, and size of regulated trees that are being proposed for removal. Size of tree shall be measured per section 27-445.
- b. Location of all existing or proposed structures, improvements, and site uses, properly dimensioned in reference to property lines, setback and yard requirements in spatial relationship.
- c. Proposed changes, if any, in site elevations, grades and major contours.
- d. Location of existing or proposed utility service.
- e. Applications involving developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures and vegetation.
- f. For trees that are to be saved or retained, each application should contain a statement of how these tree areas are to be protected during construction and landscape operations.
- g. A statement that identifies replacement trees for any trees removed. Each tree being removed shall be replaced with two (2) replacement trees per the requirements of section 27-447.
- h. Application review and permit issue. Upon receipt of proper application, the city manager or designee shall review the application, and grant or deny the permit within five (5) working days of filing. This may include a field check of the site and referral of the application for recommendations to other appropriate administrative departments or agencies.

(3) *Permit form.* Permits shall be issued by the city manager and may set forth in detail the conditions upon which the permit is granted. One (1) permit may cover several trees or groups of trees for one (1) parcel of land, or for multiple, contiguous parcels.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 2, 3-6-06)

Section 42. Sec. 27-448. Champion and heritage trees is hereby amended as follows:

Sec. 27-448. Champion and heritage trees.

(a) Champion trees are those trees that have been identified by the state division of forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the U.S. The current list of champion trees in the city and the county which have been identified is on file in the department of planning and development.

(b) Heritage trees.

(1) The following species are heritage trees:

- a. Bald cypress (*Taxodium distichum*) twenty (20) inches in diameter or greater.
- b. Cedar (*Juniperus silicicola*) (Southern red cedar), *J. virginiana* (Eastern red cedar) twenty (20) inches in diameter or greater.
- c. Elm (*Ulmus alata*) (winged elm), *Ulmus american floridana* (Florida elm) thirty (30) inches in diameter or greater.
- d. Heritage oaks (*Quercus alba* (white oak), *Q. austrina* (bluff oak), *Q. geminata* (sand live oak), *Q. prinus* (swamp chestnut or basket oak), *Q. virginiana* (live oak)) thirty (30) inches in diameter or greater.
- e. Hickory (*Carya illinoensis* (pecan), *C. tomentosa* (mockernut), *C. glabra* (pignut hickory)) thirty (30) inches in diameter or greater.
- f. Loblolly bay (*Gordonia lasianthus*) twenty (20) inches in diameter or greater.

- g. Magnolia (*Magnolia grandiflora* (Southern magnolia), *Magnolia virginiana* (sweetbay magnolia) twenty (20) inches in diameter or greater.
- h. Maples (*Acer rubrum* (red maple), *A. barbatum* (Florida maple) twenty (20) inches in diameter or greater.
- i. Tupelo (*Nyssa sylvatica*) thirty (30) inches in diameter or greater.
- j. White ash (*Fraxinus americana*) thirty (30) inches in diameter or greater.

(c) Champion and Heritage trees shall be considered regulated trees in all areas of the city, and their removal shall be strongly discouraged.

(d) Any permission given for the removal of any heritage or champion tree that is healthy and that is not causing structural damage, whether this permission is through an approved development plan or through the issuance of an arbor permit, will require replacement on an inch-for-inch basis, measured per specifications of section 27-445. Trees may be planted on-site or off-site, or given to the city for planting on public property.

(e) The removal, relocation or replacement of any champion or heritage trees shall be by ~~planning and development review~~ community development board approval. The city council will approve the removal, relocation or replacement of any heritage or champion tree when such removal, relocation or replacement is proposed as part of the subdivision approval process.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 3, 3-6-06)

Section 43. Sec. 27-449. Tree preservation during development and construction is hereby amended as follows:

Sec. 27-449. Tree preservation during development and construction.

(1) Barriers required. During construction, protective barriers shall be placed, as necessary, to prevent the destruction or damaging of trees. Trees destroyed or receiving major damage shall be replaced before issuance of a certificate of occupancy or use, if such certificate is required, unless approval for their removal has been granted under permit. The city manager or designee shall determine what trees, if any, require protection or replacement.

(2) Barriers. All regulated trees not designated for removal shall be required by the terms of the permit to be protected by barriers erected prior to construction of any structures, road, utility service or other improvements.

(3) Such barriers shall be plainly visible and shall create a continuous boundary in order to prevent encroachment by machinery, vehicles or the storage of materials. Protective posts of nominal two inches by four inches or larger wooden posts, two inches outer diameter or larger pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable with at least three feet of the post visible above the ground.

(4) Barriers shall be placed at the dripline for regulated pine and palm trees; and at a minimum of two-thirds (2/3) of the area of the dripline for all other regulated species.

- (a) In cases where complying with the above placement of barriers is found to unduly restrict development of the property, the city manager or designee may approve alternative methods of protection.

(b) No grade changes shall be made within the protective barrier zones without prior approval of the city manager or designee. Where roots greater than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.

(c) Protective barriers shall remain in place and intact until such time as landscape operations begin or construction needs dictate a temporary removal that will not harm the tree.

(d) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two inches unless specifically approved otherwise by the city manager or designee, the ~~planning and development review~~ community development board, or the city council as applicable.

(e) No building materials, machinery or harmful chemicals shall be placed within protective barriers, except short-duration placements of fill soil that will not harm the tree. Such short-duration placements shall not exceed thirty (30) days.

(f) The "Tree Protection Manual for Builders and Developers," as published by the state department of agriculture and consumer services, division of forestry (October 1980 edition), the standards of the National Arborist Association, or other nationally recognized arboricultural standards approved by the city manager or designee may be used as guidelines for tree protection, planting, pruning and care.

(g) Attachments to trees prohibited. No attachments or wires other than those of a protective and non-damaging nature shall be attached to any tree.

(h) Inspections. The city manager or designee shall conduct periodic inspections of the site before work begins and/or during clearing, construction and/or post-construction phases of development in order to ensure compliance with these regulations and the intent of this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 44. Sec. 27-453. Procedure for appeal is hereby amended as follows:

Sec. 27-453. Procedure for appeal.

Any denial of an arbor permit by the city staff of this article may be appealed within thirty (30) days of said decision to the ~~board of appeals~~ community development board for final disposition as specified in section 27-133. The ~~board of appeals~~ community development board through competent testimony may, in their discretion, affirm, overturn, or modify any decision made in the administration of this article.

Appeals of the enforcement of this article by the code enforcement board shall be made as provided for in section 2-445.

Section 45. Sec. 27-457. Landscaping requirements for vehicular use areas is hereby amended as follows:

Sec. 27-457. Landscaping requirements for vehicular use areas.

(1) *Generally.* This section provides two (2) landscaping methods which are intended to set minimum requirements for the landscaping of vehicular use areas. Method 1 addresses shading by specifying landscape placement throughout and around the vehicular use area. These requirements are illustrated in 27-457-1. Method 2 provides flexibility in the design of vehicular use area landscaping in order to accommodate unique site considerations.

(2) *Method 1 prescriptive landscape requirement.*

(a) Perimeter requirements.

(1) All vehicular use areas shall be separated by a perimeter landscaped area, a minimum of nine (9) feet in width, from any public right-of-way and from any boundary of the property on which the vehicular use area is located.

(2) Exceptions. This landscape area is not required:

a. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures;

b. When an agreement to operate abutting properties as essentially one (1) contiguous parking facility is in force. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs and assigns. Prior to the issuance of any building permit for any site having such a contiguous parking facility, the agreement shall be recorded in the public records of the county;

c. When the paved area is at least one hundred fifty (150) feet from the nearest property line; or

d. When the required landscape strip would be in conflict with utility installations, and such conflicts cannot be resolved, such areas may be reduced to five (5) feet and planted with shrubs and such understory trees as may be acceptable to the utility.

e. For property within the city's central business district (CBD).

(3) Location of perimeter landscape area. The landscape area shall commence within five (5) feet of the paved surface area, except that when a grass parking area is provided the landscaped strip may be located around such area. Where the perimeter landscape area and a required buffer overlap, the more stringent requirements shall be applied.

(4) Modification of requirements. The ~~planning and development review~~ community development board or staff, when only staff review is required, may determine that:

a. Screening is better achieved by relocation of the landscape strip;

b. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the perimeter landscape area, and that the public interest is therefore best served by relocation of the landscape area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width; or

c. That the screening would only serve to emphasize a long driveway that would otherwise be unobtrusive.

(5) Required plant material. The perimeter landscape area shall contain:

a. Shrubs, arranged to provide a visual screen of seventy-five (75) percent opacity and achieve a height of at least three (3) feet within three (3) years; and

b. At least one (1) shade tree planted for each fifty (50) linear feet, or part thereof, of the boundary of the vehicular use area. The distance between such trees shall not exceed fifty-five (55) feet.

(6) The ~~planning and development review~~ community development board ~~or plan board~~, during development plan review, may determine that natural vegetation is sufficient to screen adjacent properties and rights-of-way. In such instance the existing vegetation, including understory plants and bushes, is protected from pruning and removal, except that diseased plant material and invasive nonnative species may be replaced in accordance with this section. Where encroachments are made for utility connections, replacement plants appropriate to the ecosystem shall be required.

(b) Interior requirements.

(1) Interior areas required to be landscaped include terminal parking islands, interior islands, divider medians, and islands at T-intersections.

(2) The placement of landscaped areas throughout the interior of the paved area shall average one (1) interior landscaped island for each ten (10) parking spaces, with a terminal island at each end of five (5) or more contiguous parking spaces. At no time shall a row of parking have landscape areas

greater than one hundred thirty-five (135) feet apart or closer than thirty-five (35) feet. Standards for minimum landscape islands are included in article IV.

(3) Minimum planting requirements: [See Figures 27-457-2 through 27-457-4 at the end of article IX.]

a. *Terminal islands*: One (1) shade tree per three hundred (300) square feet of interior landscape area, minimum one (1) shade tree per terminal island area. Shrubs or groundcovers shall be planted to cover thirty-five (35) percent of terminal islands, with a two-foot strip of mulch or sod adjacent to parking spaces, and a three-foot strip of mulch or sod adjacent to access drives.

b. *Interior islands*: One (1) shade tree per three hundred (300) square feet of interior landscape area, minimum one shade tree per interior island area.

c. *Divider medians*: One (1) shade tree per thirty (30) linear feet of divider median, or fraction thereof. A continuous shrub hedge shall be planted in all divider medians that separate parking from access drives.

(4) The ~~planning and development review~~ community development board, or city council and city manager or designee, through development plan review, may allow the relocation of such landscape areas to preserve existing trees, or where it is determined, upon review and recommendation of the city manager's designee, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

(3) Method 2 performance landscape requirements.

(a) Method 2 requires that at least fifty (50) percent of the vehicular use area be shaded. Alternative landscaping objectives are provided that can reduce the required amount of tree shade that must be provided in the vehicular use area. Method 2 is encouraged in the following circumstances:

(1) The site contains unique geologic features or a tree grouping which may be adversely impacted if the requirements of Method 1 are adhered to;

(2) The preservation and enhancement of cultural, architectural or historical elements on the site would be better achieved by Method 2; or the design proposes a unique design element that serves as a focal point, a site unifier, or as an element which articulates a specific portion of the development and cannot effectively be integrated into the overall design through the use of Method 1; or the design of on-site stormwater facilities requires greater flexibility in the arrangement of landscaped areas.

(b) Method 2 requirements.

(1) The vehicular use area shall be planted with trees sufficient to shade fifty (50) percent of the total vehicular use area. Tree types shall not be substituted except as would maintain the required shading. Shrubs, ground cover and trees shall be chosen and arranged to conform with the guidelines of section 27-455.

(2) All landscape plans shall be accompanied with calculations and shadow studies in order to evidence fifty (50) percent coverage of the interior of the vehicular use area, or meet alternative landscaping requirements as detailed later in this section. In determining the area shaded, the following methodology shall be used:

a. Calculate the proposed shading of pavement assuming that the shaded area is only that area directly under the tree canopy or drip line. The estimated crown for a twenty-year-old shade tree shall be used to calculate the percent of shaded area.

b. Landscaped areas within the vehicular use area containing trees shall be counted in the calculation of shaded area.

c. Paved areas under structures (such as second stories of buildings, canopies, etc.) may be deducted from the total paved area to be shaded.

(3) When shade trees are planted on the perimeter of a parking area, they must be planted no closer than four (4) feet and no farther than nine (9) feet from the edge of the pavement, and must provide shade to either the parking area, the primary structure or an adjacent pedestrian area. If an existing tree is used to

fulfill shading requirements, it should be in the vehicular use area, or within nine (9) feet of the vehicular use area; however, a tree located further from the vehicular use area may be counted towards the fulfillment of the shading requirements, provided city staff finds that the tree casts shading equal to the minimum canopy of any parking lot tree on the City Shade Tree List, onto the vehicular use or pedestrian areas.

(4) When any portion of a vehicular use area is not screened by buildings or required street buffer and is within fifty (50) feet of a property line or a public right-of-way, a perimeter landscaped area or vegetated berm shall be provided so as to effectively screen any adjacent property or right-of-way.

(5) Exception to the fifty percent shading requirement. When Method 2 for minimum landscape requirements is used, a reduction to thirty (30) percent shading of the vehicular use area may be allowed two or more of the following conditions are present on a site:

(1) Vehicular use area located on the north side of a structure, on the same lot, and receives fifty (50) percent shading in the afternoon by the structure.

(2) Existing tree groupings are to be preserved, in an amount of at least one thousand (1,000) square feet or twenty-five (25) percent of the square footage of the groupings, whichever is greater.

(3) Preservation of existing wetlands that are not otherwise protected from encroachment by federal, state, regional or local regulations. A transitional buffer, having a minimum width of fifteen (15) feet, shall be provided. The total area so preserved shall have a minimum size of one thousand (1,000) square feet. The petitioner shall present competent evidence that such area is a viable wetland.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 46. Sec. 27-476. Street design standards is hereby amended as follows:

Sec. 27-476. Street design standards.

(a) *Specifications.* All construction shall conform to the current edition of "Standard Specifications for Road and Bridge Construction" published by Florida Department of Transportation.

(b) *Subgrade.* The roadway shall be built upon stabilized subgrade at LBR40. Where the subgrade does not exceed a state bearing test of forty (40) pounds per square inch, a subgrade shall be stabilized to this strength.

(c) *Base construction.* Base construction shall utilize only solid limerock, soil-cement, or sand bituminous road mix.

(d) *Surfacing.* Surfacing shall consist of FDOT type S-I asphaltic concrete surface course with a finish surface course FDOT type S-III, crowned to a finish slope of one-fourth (1/4) inch per foot.

(e) *Dimensions.* Minimum dimensions shall conform to the following table:

TABLE INSET:

	Arterial	Collector	Local
Subgrade thickness (inches)	12	12	6
Pavement base thickness (inches)	8	6	6
Pavement thickness (inches) (S-I)	2.5	1.25	0
Surface course (inches) (S-III)	1	1	1.5
Pavement lane width (feet)	12/16*	12/14*	10

*Outside lane width

(f) *Vertical curvature.* Roadway curvature shall not be greater than five (5) percent nor less than four-tenths (0.4) percent.

(g) *Street intersection angle.* To the extent possible, streets should intersect at a perpendicular (90-degree) angle. Acute angles less than eighty-five (85) degrees or obtuse angles greater than ninety-five

(95) degrees at street intersections shall be avoided. Where an acute or obtuse angle occurs between streets at their intersection, the alignment shall be curved so that tangents to the curves shall intersect as closely as feasible at right angles. Transition fillets at intersections shall be constructed, having a radius of at least fifty (50) feet. The right-of-way shall be curved to the same concentric radius.

(h) *Horizontal curvature.* Where a deflection angle of more than ten (10) degrees in alignment of a street occurs, a curve of reasonably long radius shall be introduced. On all streets except local streets, the centerline radius curvature shall not be less than three hundred (300) feet; on local streets, the radius curvature shall not be less than one hundred (100) feet.

(i) *Street names.* Street names shall be appropriate designations and not presently encountered in the county east of Pablo Creek. Street signposts readable from all approaches, eight (8) feet high, of corrosion-resistant materials, shall be constructed at each street intersection.

(j) *Culs-de-sac.* Culs-de-sac shall conform to the following criteria:

(1) Culs-de-sac shall not exceed six hundred (600) feet in length from the center of the turnaround to the nearest street intersection.

(2) No culs-de-sac shall be permitted to be platted unless there are platted lots on each side and around the outer perimeter thereof.

(3) Culs-de-sac shall be provided with a chord dimension at the building restriction line equal to or exceeding the minimum street frontage requirement.

(4) Culs-de-sac shall have an unobstructed twelve-foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet. Upon a favorable determination by the city manager or designee, lands inscribed within a maximum inside turning radius of fourteen (14) feet may be retained as planted open space; in this case, the planted area shall be delineated with raised concrete curbing and shall provide for clear visibility between two (2) feet and eight (8) above the adjacent roadway centerline grade. (see Figure 27-476-1).

GRAPHIC LINK: [Click here](#)

(5) Culs-de-sac greater than three hundred (300) feet in length shall include the posting of a "No Outlet" sign at the nearest street intersection

(k) *Collector streets.* At least one end of all collector streets shall terminate on arterial streets.

(l) *Local streets.* At least one (1) end of a local street shall terminate on a collector or higher order street. Local streets are generally discouraged from direct connections with arterial streets.

(1) The City of Neptune Beach street ends terminating at the Atlantic Ocean and at the intracoastal waterway are special public rights of way which shall be carefully preserved for present and future public use.

(2) Public walkways and ramps may be built in these rights of ways. No other construction is permitted in these rights-of way except as necessary to access adjacent properties when no other means of access to said properties is possible.

(3) In the event that access through a street end right-of-way is necessary, the design and construction of such access shall be approved or disapproved by the city council after appropriate development review. Criteria for approval shall include maximum preservation of greenspace within the street ends and the use of pervious paving materials.

(4) In no case may access ways to adjacent properties be designed or landscaped in order to create the image of private property.

(m) *Alleys.* Alleys shall conform to the following criteria:

(1) Alleys shall be provided at the rear lot lines of all business and commercial subdivisions.

(2) Alleys shall be prohibited in residential subdivisions, unless the developer designs the subdivision with alleys as an integral element of the project. Where alleys are utilized as an integral design feature, they shall provide for connections to no fewer than five (5) and no more than fifteen (15) residences per side, and shall terminate at both ends with a local street.

(n) *Environmentally sensitive areas.* Streets shall be laid out to minimize negative impacts to environmentally sensitive areas, such as wetlands. In the event that impacts cannot be avoided, the developer shall meet all applicable requirements of local, state or federal permitting agencies.

(o) *[Minimum stormwater management requirements.]* All roadway construction shall meet minimum stormwater management requirements of the appropriate local or state permitting agencies. At the discretion of the city manager or designee, roadways shall be constructed as open (swale) or closed (curb and gutter) typical sections.

(p) *Inter-neighborhood traffic flow.* Streets in a new development shall be logically connected to rights-of-way in adjacent areas to allow for safe and efficient traffic flow between neighborhoods or subdivisions. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land. Pedestrian and /or bikeway systems also shall be connected. To the extent that such pedestrian and bikeway connections may contribute to undesired increases in cut-through traffic then the ~~planning and development review~~ community development board may recommend a withholding or modification to this requirement.

(q) *Through traffic.* Residential streets shall be arranged or otherwise designed to discourage high speeds or excessive volumes of cut through traffic.

(r) *Offset intersections.* Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than one hundred fifty (150) feet.

(s) *Street intersection spacing.* No two streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than six hundred and sixty (660) feet. New intersections along one side of an existing street shall, where possible, coincide with existing intersections on the other side.

(t) *[Deceleration and left and right turning lanes.]* Deceleration and left and right turning lanes shall be provided on collector or arterial streets according to the following guidelines, or as otherwise required by state department of transportation regulations. In addition, and based upon the submission of a traffic impact study acceptable to city, the city manager or designee may waive the requirements based upon a reasonable determination that the absence of such a lane will not adversely impact traffic conditions

(1) A right turn lane, with a minimum of fifty (50) feet of transition and one hundred (100) feet of storage, shall be provided at any project street or driveway entrance anticipated to generate more than sixty (60) right turns during any peak hour.

(2) A left turn lane, with a minimum of twenty-five (25) feet of transition and one hundred and twenty-five (125) feet of storage, shall be provided at any project street or driveway entrance anticipated to generate more than thirty (30) left turns during any peak hour

(u) *Intersection visibility.* In order to provide a clear view of intersecting streets to the motorist, nothing within the clear visibility triangle shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grade, measured at the centerline of the intersection. The following shall be permitted within the clear visibility triangle:

- (1) Shade trees with trunks free of vegetation and limbs up to eight (8) feet in height from the grade;
- (2) Other landscaping, wall and earth mounds not exceeding a height of two (2) feet; and
- (3) Traffic and utility poles. The distance from the intersection of the street centerlines for the various road classifications shall be as follows for clear visibility triangles:

TABLE INSET:

Accessway intersecting an Accessway	6 feet
Accessway intersecting a ROW	10 feet
ROW intersecting a ROW	35 feet

(v) *Signage, pavement markings and signalization.* The developer shall provide all necessary roadway signs, pavement markings and traffic signalization as may be required by the city, based upon the guidelines in the Manual of Uniform Traffic Control Devices, or alternative city standards as approved by the ~~planning and development review~~ community development board. At least two (2) street name signs

shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

(w) *Blocks.*

(1) Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.

(2) The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas exceed eight hundred (800) feet nor be less than four hundred (400) feet in length.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-06, § 2, 5-2-05)

Section 47. Sec. 27-538. Exemptions is hereby amended as follows:

Sec. 27-538. Exemptions.

The ~~planning and development review~~ community development board may exempt, in whole or in part, any historical significant property from the provisions of this article, provided that the exemption is needed to allow a viable use of the structure and does not contribute to a severe parking shortage or to severe traffic congestion. If appropriate the ~~planning and development review~~ community development board may require off-site parking within four hundred (400) feet of the premises. Any parking facilities provided shall meet the specific dimensional and design requirements contained in this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 48. Sec. 27-539. Submission of plans is hereby amended as follows:

Sec. 27-539. Submission of plans.

A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking or loading. The plan shall accurately designate the required parking or loading spaces, access aisles, and driveways, and the relationship of the off-street parking or loading facilities to the uses of structures such facilities are designed to serve. No permits shall be issued for any parking lot until the plans and specifications, including required landscaping, materials, and storm drainage, have been submitted to and approved by the ~~building official~~ community development director or city manager or designee as per the development plan review process in article III. These plans and specifications shall include proper drainage and storm water retention, surface materials, curbing and screening as required, clearly marked and dimensioned, with handicap and other special use spaces designated. All entrances, exits and aisles shall be dimensioned, with the traffic pattern indicated.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 49. Sec. 27-540. Off-street parking requirements is hereby amended as follows:

Sec. 27-540. Off-street parking requirements.

(a) *Minimum number required.* The minimum number of off-street automobile parking spaces that must be provided shall conform to the requirements as provided for in Table 27-540-1 [located at the end of article]. Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed, unless a reduction is granted pursuant to section 27-546.

(b) *Parking reduction in the central business district.* Given the minimum number of off-street parking spaces required in Table 27-540-1 [located at the end of article], the parking requirement calculated for any uses permitted or permitted by special exception in the CBD zoning district shall be reduced by fifty (50) percent.

(c) *Maximum number of spaces for shopping center.* The maximum number of parking spaces provided for a shopping center use may not exceed the minimum requirements by more than twenty-five (25) percent or thirty (30) spaces, whichever is less.

(d) *Number required for uses not listed.* The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the ~~planning and development review~~ community development board. The board shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

(e) *Computing number of employees.* For purposes of computing off-street parking requirements, the number of employees shall be the largest number of employees at any given period.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 50. Sec. 27-544. Motorcycle parking requirements is hereby amended as follows:

Sec. 27-544. Motorcycle parking requirements.

(a) A portion of the parking spaces required by section 27-540 of this Code may be designated exclusively for motorcycle parking, if the following conditions are met:

(1) The ~~building official~~ city manager or designee recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.

(2) The ~~planning and development review~~ community development board approves the recommendation and the designated spaces are shown on the final development plan.

(3) The designated spaces are suitably marked and striped.

(4) The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met.

(b) The approval is conditional and may later be withdrawn, and the spaces returned to car spaces, if the ~~building official~~ city manager or designee determines that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 51. Sec. 27-545. Deferral of parking requirements is hereby amended as follows:

Sec. 27-545. Deferral of parking requirements.

(a) To avoid requiring more parking spaces than actually needed to serve a development, the ~~planning and development review~~ community development board may defer a portion of the off-street parking spaces required by this Code, if the developer demonstrates that the number of deferred parking spaces will not be needed for the condition or conditions established.

(b) Deferrals shall be based on a deferred parking plan, which shall:

(1) Include a written agreement between the developer and the city that requires the developer to convert the deferred parking spaces to conform to this Code at the developer's expense one (1) year from the date of issuance of certificate of occupancy, if the ~~planning and development review~~ community development board determines that the additional parking spaces are needed.

(2) Include a landscaping plan for the deferred parking area. A deferral of parking area may be offset by an increase of landscaping provided by the development on a ratio of 2:1. For example, if ten (10) parking spaces are deferred that would have corresponded with two thousand (2,000) square feet; one thousand (1,000) square feet of additional landscaping shall be provided beyond which was already required.

(3) Be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.

(4) Not assign deferred spaces to areas required for landscaping buffer zones, setbacks, or other areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.

(c) The developer may at any time request that the ~~planning and development review~~ community development board approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 52. Sec. 27-546. Reduction for mixed or joint use of parking spaces is hereby amended as follows:

Sec. 27-546. Reduction for mixed or joint use of parking spaces.

The ~~planning and development review~~ community development board may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap, provided that:

- (1) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
- (2) The developer submits a legal agreement guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 53. Sec. 27-547. Spaces required for off-street loading is hereby amended as follows:

Sec. 27-547. Spaces required for off-street loading.

(a) In addition to the off-street parking requirements required in this Code, off-street loading spaces shall be provided and maintained per Table 27-547-1 [located at end of article]:

(1) *Businesses.* Each retail store, storage, warehouse, wholesale establishment, restaurant, mortuary, laundry, dry cleaning establishment, or similar uses shall maintain the number of spaces as provided in Table 27-547-1 [located at end of article].

(2) *Public buildings.* Auditoriums, convention halls, exhibition halls, museums, motels, hotel or office building, sports arena, stadiums, hospitals, sanitarium, welfare institution, or similar use shall maintain the number of spaces per in Table 27-547-1 [located at end of article].

(3) *Uses not listed.* Those uses that are listed above in subparagraph (1) through (3) shall be interpreted to include other uses that have similar impacts to the listed uses.

(b) Adjustments to requirements. When the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed, the ~~planning and development review~~ community development board may require that a study be done to determine the actual number of loading spaces needed for a proposed use.

(Ord. No. 2004-10, § 1, 10-4-04)

Section 54. Sec. 27-548. Design standards for off-street parking and loading areas is hereby amended as follows:

Sec. 27-548. Design standards for off-street parking and loading areas.

(a) *Location.* The location of required off-street parking and loading areas shall conform to the following criteria:

(1) All required off-street parking spaces and the use they are intended to serve shall be located on the same parcel; provided, however, that the city council, as a special exception, with a recommendation by the ~~planning and development review~~ community development board, may allow the establishment of off-site or remote off-street parking facilities, provided that all of the following conditions are met:

a. Practical difficulties prevent the placement of the required parking spaces on the same lot as the premises they are intended to serve.

b. The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.

- c. The off-site parking spaces are located within the same zoning district classification as the premise which the parking spaces will serve or a classification allowing business or commercial activities.
- d. The off-site parking spaces are not located in any residential district.
- e. The location of the off-site parking spaces will adequately serve the use for which it is intended.
- f. The location of the off-site parking spaces will not create unreasonable:
 - 1. Hazards to pedestrians.
 - 2. Hazards to vehicular traffic.
 - 3. Traffic congestion.
 - 4. Interference with access to other parking spaces in the vicinity.
 - 5. Detriment to any nearby use.
- g. The developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

(2) All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

- a. Resident parking: Two hundred (200) feet
- b. Visitor parking: Two hundred fifty (250) feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

(3) Each off-street parking space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space, except as provided for in tandem parking.

(4) Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space.

(5) Each loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress.

(b) *Size.* The size of required off-street parking and loading areas shall conform to the following criteria:

(1) Standard parking spaces shall consist of a minimum width of ten (10) feet and a length of twenty (20) feet, with wheel stops at eighteen (18) feet or with curbing at eighteen (18) feet with two-foot overhang as depicted in Figure 27-548-1. [See Figures at the end of article XIII.]

(2) A standard motorcycle parking space shall be four and one-quarter (4.25) feet wide and nine and one-quarter (9.25) feet long.

(3) Spaces for handicapped parking shall be the size specified in F.S. § 316.1955.

(4) The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

(5) Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.

(6) Compact car parking spaces shall be a minimum of eight (8) feet wide and sixteen (16) feet long. A maximum of twenty (20) percent of the calculated required parking spaces may be compact. If any parking spaces required are deferred, for example, the provision of compact spaces shall be prorated based on the entire parking requirement.

(7) The ~~planning and development review~~ community development board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. Under no circumstance, shall the

modification create a serious hazard or inconvenience. The modification shall be based on a written statement of the public interest served by allowing the modification.

(c) *Layout.* The layout of required off-street parking and loading areas shall conform to the following criteria:

(1) Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient as shown in Figure 27-548-2. [See Figures at the end of article XIII.]

(2) Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings within the site and any adjacent developed sites.

(3) Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

(4) Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.

(5) Except for single-family and two-family residences, each off-street parking space shall open directly onto an aisle or driveway that is not a public street.

(6) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the ~~building official~~ city manager or designee based on the size and accessibility of the driveway.

(7) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

(8) Parking spaces for all uses except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

(9) No parking space shall be located so as to block access by emergency vehicles.

(d) *Surface requirements for four (4) or more commercial parking spaces.* Where a use requires space for four (4) or more motor vehicles, pavement for paved off-street parking or paved off-street loading facilities shall, as a minimum requirement, consist of the minimum state department of transportation requirements, as amended. A substitute surface of an equal or greater strength may be used upon written approval of the ~~building official~~ city manager or designee, keeping in mind that the city council specifically finds that porous paving materials and unpaved parking areas should be allowed whenever possible. This is also intended to encourage creative combinations of pervious and impervious surface materials when designing a parking facility.

(e) *Surface requirements for three (3) or less parking spaces.* Where a commercial use requires space for three (3) or less motor vehicles, or any residential use, the off-street parking and loading areas shall be maintained in an even and usable condition. Pavement that minimizes impervious surface area, such as dry-laid pavers and/or gravel is encouraged. Loose surfaces, such as gravel shall be contained at all edges with curbing or other border.

(f) *Barriers, buffers and hedges.* Where off-street parking or loading areas for five (5) or more vehicles are located on the perimeter of a lot, barriers shall be provided to ensure that no portion of a parked vehicle shall encroach over and onto any adjacent private property in separate ownership or over and onto any public street or sidewalks; and further, barriers shall be provided so that no parked motor vehicle door, when open, can make such encroachment. The separation from walkways, sidewalks, streets or alleys may be a masonry wall, fence, curbing, bollards, landscaping or other approved protective device. Such protective device shall not impair the visibility of pedestrians or vehicles at entrances and exits.

(g) *Identification.* Required off-street parking and loading areas shall be identified as to purpose and location when not clearly evidenced.

(h) *Drainage.* All off-street parking and loading areas shall be drained so as not to cause any nuisance of adjacent property, and to prevent damage to the public right-of-way and the adjacent environment.

(i) *Lighting.* Adequate lighting shall be provided if off-street parking or loading is to be used at night. Such lighting shall be provided to insure user safety and security. The lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property and streets. No source of illumination shall be directed into the windows of any residential building.

(j) *Buffers.* Where a parking lot, or portion thereof, adjoins any residential district, a six-foot visual barrier not less than eighty-five (85) percent solid, shall be erected along the edge of the parking lot, or portion thereof. Said buffers shall be maintained in good condition, and may be a structural or vegetative buffer.

(k) *Landscaping.* Landscaping requirements for parking facilities shall be as required by article IX.

(l) *Entrances and exits.* The location and design of entrances and exits shall be in accordance with proper access management techniques. The number of curb cuts shall be the minimum required to allow free and safe use of the facility without impairing traffic flow along the street. The use of shared or common curb cuts is encouraged where practical as depicted in Figure 27-548-2. [See Figures at the end of article XIII.] Trees and appropriate landscaping may be used to define entrances and exits. Landscaping, curbing or other protective devices may be provided to control access and to separate pedestrian and vehicular traffic.

(m) *Interior drive aisles and maneuverability.* The minimum width of interior driving aisles and maneuverability space within parking facilities shall be related to the angle of the parking spaces and the use of one-way or two-way traffic as follows:

TABLE INSET:

Parking Angle	One-way Traffic/ Maneuverability	Two-way Traffic/ Maneuverability
0 (Parallel)	13 feet	24 feet
30	13 feet	18 feet
45	13 feet	22 feet
60	18 feet	22 feet
90	24 feet	24 feet

(n) *Minimum throat dimension.* The minimum throat dimension of a parking lot entrance, measured from the right-of-way line to the first curb cut of the first parking aisle shall be thirty-six (36) feet as depicted in Figure 27-548-2. [See Figures at the end of article XIII.]

(Ord. No. 2004-10, § 1, 10-4-04)

Table 27-540-1. Off-Street Parking Requirements

TABLE INSET:

Type of Use or Development Activity	Required Number of Parking Spaces
Single-family residence	2
Single-family residence with accessory apartment	3
Two-family residence	2 per dwelling unit

Multi-family residence	2 per dwelling unit; plus 2 for the owner/operator and 1 per two employees
Special care facilities:	
Adult day care	2 per employee; plus adequate drop-off area
Child day care	2 per employee; plus adequate drop-off area
Nursing home	1 per 4 beds; plus 1 per employee
Adult congregate living facility:	
Hospital	1 per 2 beds of the rated bed capacity
Overnight accommodations:	
Hotel/motel	1 per rental sleeping unit; plus 1 for owner or manager; plus 1 per 2 employees on duty; plus 75 percent of spaces required for accessory uses like restaurants and meeting rooms, etc.
Bed & Breakfast	1 per guest room plus 2 for the owner/operator
Restaurant:	
Drive-in restaurant	None
Carry-out and deliver restaurant	1 per 500 sq. ft. of GFA; plus 1 per employee; plus 1 per delivery vehicle owned and maintained by the establishment
Fast food restaurant	1 per 4 seats in public rooms; plus 1 per 2 employees
Interior service restaurant	1 per 4 seats in public rooms; plus 1 per 2 employees
Service establishments:	
Office	1 per 400 sq. ft. of GFA
Medical/dental clinic	1 per 2 employees; plus 1.5 per consultation or examining room, not to exceed 7 spaces per doctor
Veterinary clinic	1 per 2 employees; plus 1.5 per consultation or examining room, not to exceed 7 spaces per veterinary doctor
Funeral establishment	1 per 2 seats in chapel
Wholesale sales	1 per 1,500 sq. ft.; GFA plus as required for office
Retail sales	1 per 300 sq. ft. GFA; plus 1 per 1,000 sq. ft. of lot or ground area outside buildings used for any type of sales or display
Shopping center	1 per 300 sq. ft. GFA
Bus or other transportation terminal	1 per 500 sq. ft. of GFA plus 1 per 2 employees
Storage and parking:	
Parking lot	None

Moving and storage facility	1 per employee
Emergency services:	
Fire station	1 per 2 employees
Police station	1 per 2 employees
Ambulance service	1 per 2 employees
Educational:	
Elementary and junior high schools	2 per classroom, office room, and kitchen
Senior high school	5 per classroom, office room, and kitchen
Trade, business or vocational school	1 per 300 sq. ft. of GFA
Colleges, universities and community colleges	1 per 300 sq. ft. of GFA
Dance, art, dramatic and music studios	1 per 300 sq. ft. of GFA
Gymnastics studio	1 per 500 sq. ft. of GFA
Cultural, religious, philanthropic, social, and fraternal uses:	
Worship facilities	1 per 3 seats of the total seating capacity, where 1 seat is equivalent to 24 lineal feet of benches or other similar seating arrangement
Social, fraternal clubs and lodges, and union halls	1 per 4 seats, or 1 per 200 sq. ft. GFA, whichever is greater
Libraries, art galleries, and museums	1 per 600 sq. ft. of GFA
Community center	1 per 250 sq. ft. of GFA or 1 per 3 seats, whichever is greater
Recreation, amusement, and entertainment:	
Public parks/recreation area	To be determined by planning and development review <u>community development board</u>
Bowling alley	2 per alley
Skating rink	1 per 100 sq. ft. of GFA
Billiard and pool hall	2 per 3 tables
Miniature golf	3 per hole; plus any other uses on the premises
Arcade	1 per 200 sq. ft. of GFA
Indoor athletic and exercise facility	1 per 150 sq. ft. of GFA. Swimming pool area shall be counted as floor area

Tennis, handball or racquetball facility	2 per court
Theater	10 for first 100 seats plus 1 space for each additional 5 seats
Night club	1 per 4 seats in public rooms plus 1 per 2 employees
Private club	1 per 4 seats, or 1 per 200 sq. ft. of GFA, whichever is greater
Bar/tavern	1 per 4 seats in public rooms plus 1 per 2 employees
Utilities	None required

Section 55. Sec. 27-596. Art project is hereby amended as follows:

Sec. 27-596. Art project.

(a) Any proposed art project in the commercial districts that in the opinion of a majority of the ~~planning and development review~~ community development board is found to be public art that enhances the commercial district may be recommended to the city council for its approval. If approved by the city council, such an art project will be permitted as long as it is maintained in good condition. The city council may place conditions for approval on the proposed project. Any such art project which deteriorates over time shall be removed by the applicant at the sole discretion of the city council. Proposed art projects must make application with the building department on the forms provided by the city before being placed on the ~~planning and development review~~ community development agenda. The ~~building official community development director~~ city manager or designee will determine if the application is complete before setting a date for the ~~planning and development review~~ community development board to consider the application.

(b) In making their decisions, both the ~~planning and development review~~ community development board and city council shall determine:

- (1) That the proposed art project will enhance the aesthetic beauty of the area of its proposed location;
- (2) That the artist is capable of completing the work in accordance with the plan submitted as part of the application;
- (3) That the information in the application regarding the durability and expected maintenance of the proposed art project is correct; and,
- (4) That the materials to be used and the manner of application will not require excessive maintenance by its owner.

(c) In making their determinations, the ~~planning and development review~~ community development board and city council may consider evidence of property values, the opinions of the owners and occupants of surrounding properties and the public.

(d) If final approval is given for the project by the city council, the ~~building official~~ city manager or designee will issue a permit. The project will be inspected by the ~~building official~~ city manager or designee to ensure that the project is being completed as approved by the council.

(Ord. No. 2007-16, § 2, 11-5-07)

Section 56. Sec. 27-609. Procedure for appeal is hereby amended as follows:

Sec. 27-609. Procedure for appeal.

Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the ~~board of appeals~~ community development board as provided for in article III.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 57. Sec. 27-57 Definitions is hereby amended as follows:

Sec. 27-626. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building. See definition in article I.

Accessory structure. See definition in article I.

Alteration, major means work that will change the original appearance of a building or structure as defined in this article, including, but not limited to, the following:

- a. Installation or removal of metal awnings or metal canopies.
- b. Installation or removal of all decks or porches above the first-floor level.
- c. Installation or removal of all decks or porches that face public rights-of-way.
- d. Installation of an exterior door or door frame, or the infill of an existing exterior door opening.
- e. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
- f. The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
- g. The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
- h. Painting unpainted masonry including stone, brick, terra-cotta and concrete.
- i. Installation or removal of railings or other wood, wrought iron or masonry detailing.
- j. Abrasive cleaning of exterior walls.
- k. Installation of new roofing materials, or removal of existing roofing materials.
- l. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
- m. Installation of new exterior siding materials, or removal of existing exterior siding materials.
- n. Installation or removal of exterior skylights.
- o. Installation of exterior screen windows or exterior screen doors.
- p. Installation of an exterior window or window frame or the infill of an existing exterior window opening.

Alteration, minor means work that is not ordinary maintenance as defined in this article but that will result in the original appearance as defined in this article.

Building means a structure created to shelter any form of human activity, including, but not limited to, a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex of buildings, such as a courthouse and jail.

Certificate of appropriateness means a certificate issued by the ~~planning and development review~~ community development board that indicates its approval of plans submitted pursuant to this article.

Construct or construction means the act of adding an addition to an existing landmark or the erection of a new accessory structure or building on a lot or property containing a landmark.

Demolition means any act or process that destroys in whole, or in part, a building or structure.

Developer. See definition in article I.

Historic district means a geographical area designated pursuant to this article that contains one or more landmarks and which may have within its boundaries other buildings or structures, that while not of such historical, cultural, archaeological, or architectural significance as to warrant designation as landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmarks located within the district.

Landmark means a building or structure designated as such by an ordinance of city council, that is worthy of protection, rehabilitation, and restoration because of its historical, cultural, archaeological and/or architectural significance to the City of Neptune Beach, the county, state or nation.

Ordinary maintenance means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Original appearance means that appearance (except for color) which closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

Owner of record means the person, corporation, or other legal entity listed as owner on the records of Duval County, Florida.

Remove means to relocate a building or structure on its site or to another site.

Structure includes, but is not limited to, buildings, walls, gates, monuments, and fountains.
(Ord. No. 91-1-5, § 2, 5-6-91)

Section 58. Sec. 27-627. Application requirements for nomination is hereby amended as follows:

Sec. 27-627. Application requirements for nomination.

(a) Nomination applications shall be in writing and in such form as may be determined by the ~~planning and development review~~ community development board.

(b) The nomination application for a landmark shall, at a minimum, include the following:

(1) Name and address of the owner, and the signature of the owner or agent if the owner or agent is making the nomination;

(2) Address and legal description of the property;

(3) The historical, cultural, archaeological, and/or architectural significance of the building or structure; and

(4) Two sets of photographs of the property from various vantage points;

(c) The nomination application for a historic district shall, at a minimum, include the following:

(1) A verbal description of and a map showing the boundaries of the district; and

(2) The historical, cultural, archaeological, and/or architectural significance of the proposed district.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 59. Sec. 27-628. Procedure for designating a landmark and historic district is hereby amended as follows:

Sec. 27-628. Procedure for designating a landmark and historic district.

(a) *Submittal of application.* Any one of the following may submit a completed nomination application to the city manager: a member of the ~~planning and development review~~ community development board, the owner of record of the nominated building or structure, or the city council, or any other person or organization.

(b) *Determination of completeness.* The city manager shall determine that the information on the application is complete or incomplete and notify the applicant of any deficiencies.

(c) *Recommendation of ~~planning and development review~~ community development board.* After giving proper notice as provided for in this article, the ~~planning and development review~~ community development board shall hold a public hearing, after such investigation as it deems necessary, to review the application. The board shall determine whether the nominated building, structure, or area meets the criteria as provided for in section 27-631 and shall, based on that determination, make a recommendation to the city council for approval, approval with conditions, or denial of the nomination.

(d) *City council action.* Allowing for proper notice as provided for in this article, the city council shall, except as provided for below, consider the recommendation of the ~~planning and development review~~ community development board and shall either approve, approve with changes or deny the nomination.

(e) *Adoption of ordinance.* If the city council decides to approve the nomination, the city council shall direct the city attorney to prepare an ordinance providing for the designation and shall follow normal procedures in the adoption of the ordinance. In addition to other notice requirements, the owner of record shall be notified in writing, by certified mail, the date, time, and location of the public hearing, at least ten (10) days prior to said hearing.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1996-28, § 11, 10-7-96)

Section 60. Sec. 27-629. Conditions for not designating a nominated landmark or historic district is hereby amended as follows:

Sec. 27-629. Conditions for not designating a nominated landmark or historic district.

(a) The city council shall not consider the nomination of building or structure as a landmark if the owner of record submits to the city manager a notarized statement, within fifteen (15) days following the meeting conducted by the ~~planning and development review~~ community development board, objecting to the designation of the building or structure as a landmark.

(b) The city council shall not consider the nomination of an area as a historic district if a majority of the owners of record submit to the city manager a notarized statement, within fifteen (15) days following the meeting conducted by the ~~planning and development review~~ community development board, objecting to the designation of the area as a historic district.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1996-28, § 12, 10-7-96)

Section 61. Sec. 27-633. Identification of landmarks and historic districts is hereby amended as follows:

Sec. 27-633. Identification of landmarks and historic districts.

The ~~planning and development review~~ community development board, may allow appropriate signs denoting the location of a landmark or the geographic boundaries of the historic district.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 62. Sec. 27-635. Exceptions is hereby amended as follows:

Sec. 27-635. Exceptions.

(a) The ~~building official~~ city manager or designee may permit a major alteration of a landmark when the ~~building official~~ city manager or designee certifies that the requested alteration is needed immediately and is the minimum necessary for the purpose of protecting life, health, or property.

(b) Within seven (7) days of said emergency approval, the ~~building official~~ city manager or designee shall submit a report to the ~~planning and development review~~ community development board that outlines the reasons for and the nature and extent of the alterations.

(Ord. No. 91-1-5, § 2, 5-6-91)

Section 63. Sec. 27-636. Application requirements for certificate of appropriateness is hereby amended as follows:

Sec. 27-636. Application requirements for certificate of appropriateness.

(a) All applications shall be in writing and in such form as may be determined by the city council.

(b) The application shall, at a minimum, include the following:

(1) Name and address of the owner and agent, along with signatures of the same;

(2) Address and legal description of the property;

- (3) Two sets of photographs of the existing landmark and abutting properties from various vantage points; and
- (4) Drawings, renderings, and/or plans showing the proposed alteration to the landmark or in the case of minor alterations, a written description of the proposed alteration.
- (c) The developer may include as part of the application any other materials that would help the ~~planning and development review~~ community development board to make a determination of appropriateness.
(Ord. No. 91-1-5, § 2, 5-6-91)

Section 64. Sec. 27-637. Procedure for applying for and issuing a certificate of appropriateness is hereby amended as follows:

Sec. 27-637. Procedure for applying for and issuing a certificate of appropriateness.

- (a) *Submittal of application.* The owner of record shall submit a completed certificate application, as described in this article, to the city manager.
- (b) *Determination of completeness.* The city manager shall determine that the information on the application is complete or incomplete and notify the developer of any deficiencies.
- (c) [*Minor alterations.*] For minor alterations, the city manager shall within fifteen (15) days from the date the applicant submits a completed certificate application either:
 - (1) Issue the certificate of appropriateness;
 - (2) Issue the certificate of appropriateness with conditions; or
 - (3) Deny the application and notify the applicant in writing that a certificate of appropriateness can not be issued for the proposed plans.
- (d) [*Major alterations.*] For major alterations, the city manager shall forward a copy of the application to the Chair of the ~~planning and development review~~ community development board.
- (e) [*Proper notice.*] Allowing for proper notice as provided for in this article, but within thirty (30) days from the date the applicant submits a completed certificate application, the ~~planning and development review~~ community development board shall use the guidelines as provided for in section 27-639 and either:
 - (1) Issue the certificate of appropriateness;
 - (2) Issue the certificate of appropriateness with conditions; or
 - (3) Deny the application and notify the applicant in writing that a certificate can not be issued for the proposed plans.
- (f) [*Plans to be part of certificate of application.*] If the certificate application is approved, the city manager shall physically attach the plans that were submitted as part of the certificate application to a copy of the issued certificate of appropriateness.
- (g) [*Denial of certification application.*] If the certificate application is denied, the city manager shall notify the building department of said decision.
(Ord. No. 91-1-5, § 2, 5-6-91)

Section 65. Sec. 27-642. Procedure for appeal is hereby amended as follows:

Sec. 27-642. Procedure for appeal.

Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the ~~board of appeals~~ community development board as provided for in article III.
(Ord. No. 91-1-5, § 2, 5-6-91)

Section 66. The Ordinance shall become effective immediately upon its passage 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 2nd day of August , 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 correctness:

Christopher A. White
City Attorney