

**SPONSORED BY:**

**COUNCILOR MESSINGER**

**COUNCILOR CHIN**



**ORDINANCE NO. 2020-01**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, TO EXTEND A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A SPECIAL EXCEPTION PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING FOR THE APPLICATION OF A PLANNED UNIT DEVELOPMENT AS SET FORTH IN CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-244 PLANNED UNIT DEVELOPMENT AND 27-244.1 TEMPORARY MORATORIUM; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Neptune Beach possesses the powers to enact ordinances in order to protect the health, safety, and welfare of the City's citizens and residents; and

**WHEREAS**, the City Council of the City of Neptune Beach, Florida determines that it is in the best interest of its residents, businesses and visitors to enact sufficient land use regulations to ensure their health, safety and welfare; and

**WHEREAS**, the City is actively engaged in the process of evaluating revisions to its Comprehensive Plan and the Unified Land Development Code, including how planned unit developments are processed within the City and the City anticipates that such process will take additional time to complete; and

**WHEREAS**, the City Council determines that it is in the best interest of its residents, businesses and visitors to enact sufficient regulations to protect the public health, safety and welfare; and

**WHEREAS**, the City Council for the City of Neptune Beach, Florida previously found and declared that a temporary moratorium regarding the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits was in the best interest of the public health, safety and welfare of the citizens and residents of the City of

Neptune Beach, Florida and that it advanced a significant and important governmental interest; and

**WHEREAS**, the City Council for the City of Neptune Beach, Florida previously adopted a temporary moratorium on the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits, may be accepted or processed or approved by the City, except as may be required by applicable law, in Ordinance No. 2019-03, with an effective date of March 4, 2019; and

**WHEREAS**, said temporary moratorium is scheduled to expire on March 4, 2020; and

**WHEREAS**, proper notice has been given of the public hearing of this proposed ordinance and of a public hearing in the City Council Chambers; and

**WHEREAS**, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

**WHEREAS**, the City Council for the City of Neptune Beach, Florida finds and declares that an extension to the temporary moratorium regarding the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits is in the best interest of the public health, safety and welfare of the citizens and residents of the City of Neptune Beach, Florida, will permit the continued process of evaluation of the City's Comprehensive Plan and Unified Land Development Code, and will advance a significant and important governmental interest.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:**

#### **ARTICLE VI. – LAND USE**

##### **Sec. 27-244.1. Temporary moratorium on permitting planned unit developments (PUD).**

**(c) Term.**

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve twelve (12) months after the initial expiration date of March 4, 2020 as established by Ordinance No. 2019-03, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the City Council.

**(f) Effective Date.**

This ordinance shall take effect immediately upon passage after second reading/public hearing.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 2<sup>nd</sup> day of March, 2020.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on Second and Final Reading this 20<sup>th</sup> day of April, 2020.


  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk



Approved as to form and contents

  
Zachary Roth, City Attorney

