SPONSORED BY:

COUNCILOR KERRY CHIN
COUNCILOR JOSH MESSINGER

ORDINANCE NO. 2021-10

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, TO FURTHER 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 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 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, the City Council for the City of Neptune Beach, Florida previously extended the temporary moratorium by Ordinance No. 2020-01 and further by Ordinance No. 2020-13, with the latter having an effective date of November 2, 2020, to allow the continued analysis of revisions to its Comprehensive Plan and the Unified Land Development Code; and

WHEREAS, said temporary moratorium is scheduled to expire on November 2, 2021; and

WHEREAS, the City's has adopted a vision plan and submitted a proposed Comprehensive Plan to the Florida Department of Economic Opportunity and has entered into Phase III of its process with Dover, Kohl and Partners; and

WHEREAS, Phase III consists of preparation of revisions to the Unified Land Development Code; and

WHEREAS, the City does not anticipate that such process will be completed by November 2, 2021 and the City Council deems it to be in the best interest of the City and its citizens and residents to extend the moratorium based on an expected completion date in the first or second quarter of 2022; and

WHEREAS, to avoid further unnecessasry legislation, extending this moratorium beyond the anticipated completion date is in the best interest of the City in light of the fact that this moratorium may be terminated at any time by the City Council; and

WHEREAS, proper notice has been given of the public hearing of this proposed ordinance and of a public hearing in accordance with applicable law; 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 and drafting of revisions to 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 IV. – 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 three hundred and sixty-five (365) days after the effective date of this ordinance, 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:

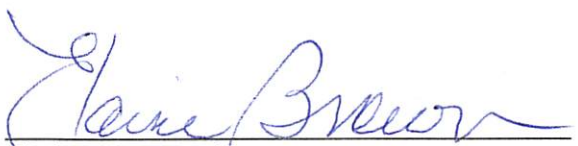
Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES

Passed on First Reading this 18th day of October, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	ABSENT
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES

Passed on Second and Final Reading this 1st day of November, 2021.



Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents

Zachary Roth, City Attorney