

SPONSORED BY:

Councilor Diamond



ORDINANCE NO. 2017-14

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE VI, ACCESSORY STRUCTURES, SECTION 27-338, ATTACHED DUPLEX OR MULTIFAMILY UNITS TO MOVE IT TO ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. Chapter 27 Unified Land Development Regulations, Article VI, Accessory Structures, Section 27-338, Attached duplex or multifamily units to move it to Article IV, Land Use, Section 27-227, Special restrictions and conditions on allowable uses within zoning districts; shall be amended as follows:

Article VI, Accessory Structures

~~Sec. 27-338. Attached duplex or multifamily units.~~

~~Each structure containing attached duplex or multifamily units or each development of contiguous duplex or multifamily units shall comply with all regulations for duplex or multifamily dwellings of the districts where permitted. In addition to regulations applicable to the entire building or development, the following regulations shall apply to individual single-family units in such buildings or development:~~

~~(1) No side yards shall be required for individual interior units. Exterior units shall have a minimum side-yard requirement of ten (10) feet.~~

~~(2) Each unit shall have access to a public or private street.~~

Article IV, Land Uses

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

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

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

(1) *Two-family residence:*

a. Applicable building code requirements related to construction of the type of units proposed shall be met.

b. The subject lot or parcel of land shall not be subdivided illegally, and shall only be developed according to the criteria established in the appropriate Code section.

c. Construction of any accessory apartment shall constitute a dwelling unit for purposes of determining the number of living units on a property.

(2) **Sec. 27-338. - Attached duplex or multifamily units.**

Each structure containing attached duplex or multifamily units or each development of contiguous duplex or multifamily units shall comply with all regulations for duplex or multifamily dwellings of the districts where permitted. In addition to regulations applicable to the entire building or development, the following regulations shall apply to individual single-family units in such buildings or development:

(1) a. No side yards shall be required for individual interior units. Exterior units shall have a minimum side yard requirement of ten (10) feet.

(2) b. Each unit shall have access to a public or private street.

~~(2)~~ (3) *Child day care:*

a. All facilities, operation and maintenance shall meet all applicable city or state regulations for such use, and must be licensed appropriately by HRS.

b. A development plan shall be submitted indicating designated indoor and outdoor space, fences or walls, vehicular ingress and egress, off-street parking areas, and loading and unloading areas.

~~(3)~~ (4) *Fast-food restaurant:* Fast-food restaurants with drive-up windows shall be allowed provided the following conditions are met:

a. Adequate off-street areas shall be provided for the stacking of vehicles.

b. Vehicular ingress and egress shall be limited to adjacent major or secondary streets.

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

d. Drive-through windows shall be located to the rear of the building facing away from the principal abutting thoroughfare.

~~(4)~~ (5) *Interior service restaurant:* Restaurants that sell alcoholic beverages shall conform to the following conditions:

a. The alcoholic beverages shall be sold only for consumption on the premises.

b. Said restaurant shall have an inside seating capacity of and be equipped to serve not less than thirty (30) people meals at one (1) time.

c. Said restaurant shall derive at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.

d. Any alcoholic beverage license issued to any such restaurant under the general law of the state shall not be moved to a new location, such licenses being valid only on the premises of such restaurant.

e. Outdoor seating may be permitted as a special exception, and shall only be provided in a controlled area, attached to the main interior service area and shall also be situated in a manner that allows for unimpeded pedestrian access along adjacent sidewalks or pedestrian ways. Outdoor seating requests for public property not owned by the interior service restaurant must follow the provisions outlined in subsection 27-479(d).

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

~~(5)~~ (6) *Retail, general:*

a. Outdoor sales must be an accessory use to the principal use and shall be limited to one (1) sale display area per retail store. Neptune Beach general retail stores may have outside sales on the premises of their licensed store. The sale shall be conducted by employees of the store and items offered for sale shall be property of the store and not a consignment operation or arrangement. Only products normally sold at these stores may be sold outside. Stores must apply for a yearly permit approved by the city manager or designee.

1. Outdoor sales and the outdoor display area must be on private property and located only in the central business district (CBD), C-2 and C-3 zoning districts.

2. Outdoor sales cannot occur in the right-of-way.

3. The outdoor sale display area cannot exceed one hundred fifty (150) square feet.

4. No outdoor sales shall be allowed in the area set aside, required or designated for parking, ADA routes, drive isles, driveways, maneuvering areas or unloading/loading areas. An ADA clear path must be maintained around all items in display area.

5. Any items located outdoors that meet the definition of a sign must conform to the appropriate sign ordinance and regulations.

6. Items outdoors can only be displayed during the hours when the business is open to the public.

7. The outdoor display area shall not be placed so as to obstruct vehicular traffic sight.

8. Tents, lights, banners, or other items prohibited by the Code are not allowed in conjunction with outdoor sales.

9. Outdoor sales in violation of this section will result in immediate removal of the outdoor items for sale and outdoor sale privileges will be revoked for one (1) year.

b. No more than ten (10) percent of the gross floor area shall be used for storage.

c. Repairs shall be incidental to sales.

d. Rentals shall be incidental to sales.

e. Retail licensing shall not be construed to allow for the sale of motor vehicles on the premises.

f. Outdoor sales of fireworks are prohibited.

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

h. To be reviewed annually.

~~(6)~~ (7) *Adult entertainment and service:* No adult bookstore or adult motion picture theater shall be located within one thousand (1,000) feet of any worship facility, residential district, establishment for the sale of alcoholic beverages for consumption on-premises, hotel/motel, primary or secondary school, park or theater.

~~(7)~~ (8) *Dry cleaner:* Facilities shall not exceed two thousand five hundred (2,500) square feet in area, and shall be subject to all regulatory requirements for registration and handling of hazardous materials.

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

~~(8)~~ (9) *Parking lot:*

- a. No source of illumination for such lots shall be directly visible from any window in any residence.
- b. There shall be no sales or service activity of any kind on such lots without obtaining the appropriate permit from the building department.
- c. If the parking lot is located in a residential district, there shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.
- d. If in a residential district, no vehicles normally prohibited from being parked in a residential district shall be permitted to be parked in such lot as outlined in section 27-335 of this Code.

~~(9)~~ (10) *Fire station:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

~~(10)~~ (11) *Police station:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

~~(14)~~ (12) *Post office:* Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.

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

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

~~(14)~~ (15) *Moving business by exception only:* No more than three (3) trucks, not to exceed thirty-three (33) feet each, shall be stored on-site and no storage of items to be moved shall be permitted.

~~(15)~~ (16) *All drive-thru facilities:* Shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-10, § 1, 6-5-06; Ord. No. 2006-11, § 1, 8-7-06; Ord. No. 2008-05, § 1, 7-7-08; Ord. No. 2010-12, § 1, 9-7-10; Ord. No. 2010-21, § 1, 12-7-10)

Section 2. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y

Passed on First Reading this 1st day of May, 2017.

VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y
Councilor Fred Jones	Y

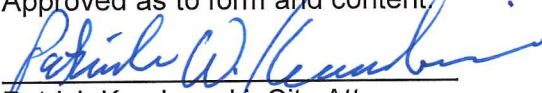
Passed on Second and Final Reading this 5th day of June, 2017.


Elaine Brown, Mayor

ATTEST:


Amanda Askew, Acting City Clerk

Approved as to form and content:


Patrick Krechowski, City Attorney

