

**SPONSORED BY:**

**COUNCILOR MESSINGER**



**ORDINANCE NO. 2019-03**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ENACTING 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 27-245 TEMPORARY MORATORIUM; PROVIDING FOR A TEMPORARY MORATORIUM TERM TO BE EXTENDED IF NECESSARY BY THE CITY COUNCIL; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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**, to protect the public health, safety and welfare of its citizens, the City of Neptune Beach wants to review and discuss the Planned Unit Development code regulations 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**, a temporary moratorium on the processing of applications for, and the issuance of special exception permits, development permits, site plan approvals or any other official action of the City of Neptune Beach permitting or having the effect of allowing

planned unit developments (PUD) within the City. It will allow time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances; 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 this ordinance is 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 advances 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. 27-245.**

#### **(a) Purpose.**

(1) The purpose of this ordinance is to enable the City of Neptune Beach sufficient time to review, hold public hearings and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances, relating to PUDs . The City will not accept any application or issue any permits authorizing the construction of PUDs, except as provided in this ordinance, or as may otherwise be required by applicable law.

(2) It is further the purpose of this Ordinance to fulfill the City's constitutional charge and statutory obligations to protect and preserve the public health, safety and welfare of the citizens of the City of Neptune Beach, regarding PUD regulations; and thus defer official government action until the City of Neptune Beach has properly held public hearings and adopted amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances, as necessary.

#### **(b) Imposition of Temporary Moratorium.**

(1) No 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. To the extent such an application is submitted, the City

staff is authorized to take action to deny such application during the term of this moratorium within such time frame as may be required by applicable law.

(2) No Zoning Compliance Permit may be issued by the City which would authorize the construction of a PUD.

**(c) Term.**

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in twelve (12) months from 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.

**(d) Early Termination.**

The moratorium imposed by this ordinance may terminate prior to its twelve (12) month period upon the passage of ordinances regulating permitting or allowing the construction of PUDs provided:

(1) Specific language terminating the moratorium is contained within said enacted ordinance; or by

(2) Passage of another ordinance providing for termination by the City Council.

**(e) Repeal of Laws in Conflict.**

All local laws and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

**(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 Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 19<sup>th</sup> day of February, 2019.

**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 4<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and contents

  
\_\_\_\_\_  
Patrick Krechowski, City Attorney

