



AGENDA (Amended)
Special and Workshop City Council Meeting
Monday, March 21, 2022, 6:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. COMMENTS FROM THE PUBLIC
3. RESOLUTION NO. 2022-04, A Resolution of the City of Neptune Beach, Florida, Supporting Ukraine Against Russian Government Aggression p. 3
4. Consideration of Approval of New Positions:
 - Accounts Payable and Payroll Accountant p. 5
 - Pump Mechanic
5. Confirmation of Danielle Dyer-Tyler as Chief Financial Officer
6. ADJOURN

WORKSHOP CITY COUNCIL MEETING IMMEDIATELY FOLLOWING
THE ABOVE SPECIAL MEETING

1. CALL TO ORDER / ROLL CALL
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST / NONE
3. DEPARTMENTAL SCORE CARD p. 13
4. COMMITTEE REPORTS
 - A. Finance
 - B. Land Use and Parks
 - C. Charter Review
5. PUBLIC COMMENTS
6. PROPOSED ORDINANCES / NONE
7. CONTRACTS / AGREEMENTS / NONE
8. ISSUE DEVELOPMENT
 - A. Review and Discussion of Draft Land Development Code Changes: Charter Section 4.07, Chapter 4, Alcoholic Beverages, Article I; Chapter 17, Sales, Article III, Open Air Sales and Markets; Chapter 18, Streets Sidewalks, and Other Public Places; Chapter 27, Land Development Regulations, Article IX, Tree Protection and Landscaping, Article X, Streets, Sidewalks, and Rights-of-Way, Article XII, Stormwater Management and Erosion Control. p. 26

9. PUBLIC COMMENTS
10. COUNCIL COMMENTS
11. ADJOURN

Please register for **Special and Workshop City Council Meeting** on March 18, 2022 6:00 PM EST at:

<https://attendee.gotowebinar.com/register/226218342089639696>



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- **To use a kiosk:** Using a nearby kiosk, press the Start button and then select 2 to enter your plate and the validation code.
- **To use the Flowbird app:** Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" – the price will show "Free."



RESOLUTION NO. 2022-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, SUPPORTING UKRAINE AGAINST RUSSIAN GOVERNMENT AGGRESSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, following the collapse of the Soviet Union, the Ukrainian people overwhelmingly voted to form a nation independent from Russia, building a democracy and thriving country grounded in the rule of law; and

WHEREAS, Russia President Vladimir Putin has now launched an unjust and unwarranted invasion upon the peaceful nation of Ukraine; and

WHEREAS, Ukraine is a proud and honorable nation under siege, and the brutality of this unprovoked attack on Ukrainian sovereignty is an affront to international law and common decency; and

WHEREAS, the attack on one democracy is an attack on all democracy.

NOW, THEREFORE, be it resolved the City Council of the City of Neptune Beach:

SECTION 1. That the Neptune Beach community proudly stands alongside our brothers and sisters of Ukraine as they fight for freedom during this horrific and unnecessary siege.

SECTION 2. That the City of Neptune Beach condemns, in the strongest terms, Vladimir Putin's attack on the people of Ukraine; holds Russia fully accountable for the unspeakable atrocities occurring in Ukraine; and strongly endorses the swift and severe economic sanctions and stringent export controls that the United States has imposed on Russia.

SECTION 3. That, through donations and prayers, the Neptune Beach community joins hands in assisting the ongoing needs of those suffering within Ukraine and of those who have been forced to flee to neighboring countries for safety.

SECTION 4. That the City of Neptune Beach remains prayerfully hopeful for the return to that region and the world.

SECTION 5. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of Neptune Beach, Florida, at the Special Council Meeting held this 21st day of March, 2022.

Elaine Brown, Mayor

Attest:

Catherine Ponson, City Clerk

Approved as to form and correctness:

Zachary Roth, City Attorney



**Special Agenda Item #4
New Position Request**

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM:	
SUBMITTED BY:	
DATE:	
BACKGROUND:	
BUDGET:	
RECOMMENDATION:	
ATTACHMENT:	



City of Neptune Beach Job Description

Job Title:	Accounts Payable and Payroll Accountant	
Reports to (Title):	Supervisory Staff Accountant	FLSA-Exempt
Department/Division:	Finance Department	Salary Range: \$45,000 - \$62,000

GENERAL SUMMARY:

This is advanced clerical work involving the preparation of accounts payable, invoices and schedules for accounts receivable, and payroll. The Accounts Payable and Payroll Accountant reports to the Supervisory Staff Accountant and is responsible for providing financial, administrative and clerical services. This includes processing and monitoring payments and expenditures, preparing and monitoring the payroll system, maintaining an aging schedule for accounts receivable, and submitting invoices to various lessees and state agencies for payment.

Under general supervision, performs accounting clerical work primarily related to the complete bill paying and posting process, including revenue and accounts receivable accounts, and the timely and accurate preparation of payroll, benefits, and retirement.

This is a full-time clerical position requiring significant independent judgement and accurate application of accounting principles to ensure that municipal finances are accurate and up to date, that staff are paid in a timely and appropriate manner, that vendors and suppliers are paid within established timeframes, and expected revenue is collected. Reports directly to the Supervisory Staff Accountant for the City.

DUTIES AND RESPONSIBILITIES:

- Performs the day-to-day processing of accounts payable transactions to ensure that municipal finances are maintained in an effective, up-to-date and accurate manner.
- Compiles and verifies invoices and check requisitions for payment; checks for accuracy and contacts departments and informs of missing paperwork; consults with vendors; creates and assigns vendor numbers to check requisitions; prepares for data input of invoices.
- Maintains the Master list of Purchase Authorizations (Orders), and maintain the fixed (capital) asset schedule.
- Provides information by phone to vendors and departments regarding status of payments and scheduling of payments; responds to questions related to accounts payable policies and procedures.
- Staff member in responsible charge of the Accounts Payable process, inputs all invoices and check requisitions into a computer; compares computer report to actual data to verify accuracy; initiates check runs, wire transfers, or credit card payments; places checks with remittance in envelopes to be mailed/distributed.
- Prepares manual checks for all invoices that can be discounted for early payment, prepares manual checks for any emergencies that occur.
- Staff member in responsible charge of the Accounts Receivable process, including, but not limited to, maintaining an aging schedule of Accounts Receivable, submitting invoices and requests for payment, and making appropriate journal entries reflecting receipt of revenue.
- Maintain updated vendor files, file names, and W-9's; generate and administer 1099's, and files the monthly State Diesel Fuel tax return.
- Completes payroll functions to ensure staff are paid in an accurate and timely manner, processes paperwork for new employees and enters employee information into the payroll system.
- Process forms such as W-2's, W-4's, and coordinates with the City Clerk for insurance enrollment, deferred compensation, and maintaining confidential employee files.
- Review time sheets, work charts, wage computation, and other information to detect and reconcile payroll discrepancies; verify pay amounts, hours of work, deductions, issue and record adjustments to pay related to previous errors or retroactive increases, prepare and remit source deductions and payroll tax.
- Verify coding, obtain proper verifications and leave requests; batch time sheets for data entry; data enter of payroll information; log in and distribute ACH files, prepare bank transfers to cover payroll, benefits and deferred compensation, and distribute paycheck stubs.
- Assists Supervisory Staff Accountant with special projects, and performs other duties as required.

(These duties and responsibilities are not to be construed as a complete statement of all duties performed. Employees will be required to perform other job-related duties as required)

Knowledge, Skills, and Abilities:

To be successful in the role a basic knowledge of the following is necessary: accounting principles and procedures, Florida Uniform Accounting Code for municipalities, knowledge of payroll and purchasing policies, procedures and practices, accounts payable and maintaining general ledgers.

Ability to maintain a high-level of accuracy in preparing and entering financial and payroll information along with the ability to maintain confidentiality relative to financial matters and employee files.

Proficiency in the practices of basic accounting, including, but not limited to: reconciliations, cash receipts management, cost allocations, payroll distributions, and similar situations common to small city finance and accounting are essential for satisfactorily completing the tasks related to this position.

Ability to communicate clearly and effectively both orally and in writing with supervisor, subordinates, peers, elected officials, and the public.

Prior experience with Microsoft GP, Cogsdale, or Tyler Technologies InCode10 is highly desirable.

Education and Experience:

Three (3) or more years of experience in management of financial systems, financial reporting and data analysis are required; experience in a position of comparable scope and size to the City of Neptune Beach is highly desirable

Associates degree in accounting/bookkeeping, or related field is highly desirable.

An equivalent combination of education, experience and training that provides the required knowledge, skills and abilities will also be considered, but applicants must provide a detailed explanation of how the experience applies within their cover letters.

Licenses and/or Certificates:

Valid Florida Driver License.

Background Check Required:

Due to the nature of the position, it is expected that the Accounts Payable/Receivable and Payroll Clerk will be required to regularly assist in reconciling bank statements, and access sensitive account information.

A background check that includes a credit check and drug test will be performed prior to hire.

WORKING CONDITIONS:

The physical conditions that apply to the Worker in this job are described as follows:

None: The worker is **not substantially exposed to adverse environment conditions:** job likely consists of typical office work or administrative work.

PHYSICAL ACTIVIITES:

Essential physical activities:

- Reaching
- Typing Talking Hearing Driving
- Repetitive Motion
- Other (list):

MATERIALS AND EQUIPMENT:

Machines, tools, equipment, electronic devices, software, etc. used by position:

- Office equipment (desk, chair, phone, etc.)
- Office machines (copier, facsimile, calculator, cash register, etc.)
- Office supplies (pens, staplers, pencils, etc.)
- Packaging materials (boxes, shrink wrap, etc.)
- PC equipment (monitor, keyboard, printer, etc.)
- PC software

DISCLAIMER: The above information on this description has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties and qualifications required of employees assigned to this job.

For Office Use Only

Revision Date: 02/16/2022
Previous Revision Date:
Previous Title: New Position



City of Neptune Beach Job Description

Job Title:	Pump Mechanic	
Reports to (Title):	Water & Wastewater Plants Division Chief	FLSA: Non-Exempt
Department/Division:	Public Works	Hourly Range: \$15.51 - \$29.86

GENERAL SUMMARY:

Under general supervision, performs skilled work in the maintenance and repair of machinery and equipment at the City's wastewater treatment plant and lift stations. Work involves performing preventative maintenance and repair work on tanks, pumps, motors and other equipment; and maintaining records of work performed and supplies consumed. A working knowledge of Wastewater Plant Operations, or a willingness to learn is necessary, as this position may assist operators in daily operations as necessary. Employee is also responsible for responding to after-hours calls in emergency cases of sewer stoppage and pump failure, or when expertise is needed to assist other work crews in various utility system construction and repair work, as may be necessary.

Under the supervision of the Water and Wastewater Plants Division Chief.

DUTIES AND RESPONSIBILITIES:

- Inspects pumps, generators, conveyor belts, valves, backflow preventers, and any other mechanical equipment for wear or needed repairs.
- Troubleshoots, overhauls, and repairs all pumps, motors, blowers, valves, fittings, conveyors, and other mechanical equipment associated with the WWTP, lift stations, and related facilities equipment such as lubricating and adjusting equipment as scheduled.
- Troubleshoots electrical issues such as finding short circuits, checking starters or variable frequency drives, checking panels and fuses, and checking connections.
- Pulls pumps, clears impellers and checks pump equipment for wear.
- Responds to after-hours calls to repair or alleviate sewage stoppages, pump failures, well failures, etc.
- Ensures the observance of safety regulations pertaining to tools, machinery, vehicles, work areas, and equipment utilities. Operates utility/construction equipment utilized in the department, including, but not limited to, tandem dump trucks, skid steers, boom trucks, Vacuum Trucks, etc.
- Maintains a log of maintenance parts, vendors, orders necessary parts and replacement inventory when necessary, and tracks daily reads, inspections and maintenance.
- Operates computers, tablets, smartphones as related to work orders/preventative maintenance software or schedules, collection/reuse system, GIS and online maps, and other mobile apps which allow real-time viewing of WWTP/lift station data.
- Performs other duties as may be necessary such as, but not limited to, ground maintenance, janitorial work, carpentry, cement work, painting, and other maintenance related tasks as needed.

(These duties and responsibilities are not to be construed as a complete statement of all duties performed. Employees will be required to perform other job-related duties as required)

Knowledge, Skills, and Abilities:

To be successful in the role an ability to plan, organize and direct work related to the safe operation, maintenance, and repair of mechanical motors, pumps, generators, conveyor belts, blowers and other mechanical equipment is necessary.

Ability to develop schedules and reports to guide and communicate repair and maintenance activities related to the operation of mechanical equipment within the WWTP and Lift Stations.

Proficiency in the diagnostic, methods, and techniques used in the installation, repair and preventative maintenance of a wide-variety of electrical motors, pumps, pipework, valves and electrical systems.

Ability to make inspections of machinery and mechanical equipment in operation and to detect flaws within their

operation for repairs and maintenance.

Ability to work from blueprints or shop drawings, make field sketches, and initiate written and oral instructions.

Skilled in the proper use of all tools and methods associated with repairing and maintaining mechanical systems including shop equipment used in the installation, repair and preventative maintenance of WWTF and pump station equipment.

Ability to communicate clearly and effectively both orally and in writing with supervisor, subordinates, peers, elected officials, and the public.

Education and Experience:

Must possess a high school diploma or its equivalent, supplemented by at least (4) years of experience in the maintenance and repair of mechanical systems such as motors, pumps, and conveyor belts.

Credit towards required experience may be given for FDEP DW, WW Class 'C' or higher, and FDEP DS Level '3' or higher.

An equivalent combination of education, experience and training that provides the required knowledge, skills and abilities will also be considered, but applicants must provide a detailed explanation of how the experience applies within their cover letters.

Licenses and/or Certificates:

Valid Florida Driver License.

Class A or Class B CDL is not required at time of hire, but must be obtained within the (6) month probationary period for new hires.

Confined Space Certification must be obtained within (12) months of hire.

Background Check Required:

All new hires are subject to pre-employment drug and alcohol testing and background and credit checks.

WORKING CONDITIONS:

The physical conditions that apply to the Worker in this job are described as follows:

- None: The worker is **not substantially exposed to adverse environment conditions**: job likely consists Of typical office work or administrative work.
- The worker is subject to **inside environmental conditions**: protection from weather conditions but not necessarily from temperamental changes (i.e. warehouses, covered loading docks, garages, etc).
- The worker is subject to **outside environmental conditions**: no effective protection from the weather.
- The worker is subject to **extreme cold**: temperatures below 32 degrees for periods of more than one hour.
- The worker is subject to **extreme heat**: temperatures above 100 degrees for periods of more than one hour.
- The worker is subject to **noise**: there is sufficient noise to cause the workers to shout in order to be heard above the surrounding noise level.
- The worker is subject to **vibration**: exposure to oscillating movements of the extremities or whole body.
- The worker is subject to **hazards**: includes a variety of physical conditions, such as proximity to moving vehicles on roadways, mechanical parts, electrical current, working on scaffolding and high places or chemicals.
- The worker is subject to **atmospheric conditions**: one or more of the following conditions that affect the respiratory system or the skin: fumes, odors, dust, mists, gases or poor ventilation.
- The worker is subject to **oils**: there is air and/or skin exposure to oils and other cutting fluids.
- The worker is required to wear a **respirator**.

Home Department	Employee Name	Position	Date of Hire or group	Allocation	Bargaining (B) Non-Bargaining (NB)	Years in Service	Full Time/ Part Time/ Elected	Sub-object	Hourly Rate	Calculated Field Annual Salary	ER 401 Match	ER Health Ins.	ER -Life Ins.	Subtotal
Finance Department - 1113	VACANT	AP&Payroll Accountant	TBD	100%	NB	-	Full Time	513.00	29.81	62,004.80	4,340.00	17,733.72	357.12	84,435.64
Finance Department - 1113	VACANT	AP&Payroll Accountant	TBD	45%	NB	-	Full Time	513.00	29.81	27,902.16	1,953.00	7,980.17	160.70	37,996.04
Water Sewer Admin 401-4331	VACANT	AP&Payroll Accountant	TBD	40%	NB	-	Full Time	513.00	29.81	24,801.92	1,736.00	7,093.49	142.85	33,774.26
Sanitation Fund -4334-534	VACANT	AP&Payroll Accountant	TBD	5%	NB	-	Full Time	513.00	29.81	3,100.24	217.00	886.69	17.86	4,221.78
Stormwater Utilities -441	VACANT	AP&Payroll Accountant	TBD	10%	NB	-	Full Time	513.00	29.81	6,200.48	434.00	1,773.37	35.71	8,443.56
Public Works - 1441	vacant	Pump Mechanic	vacant		B	vacant	Full Time	541	29.86	62,108.80	4,347.62	17,733.72	357.12	85,287.26
Public Works - 1441	vacant	Pump Mechanic	vacant	50%	B	vacant	Full Time	541	29.86	31,054.40	2,173.81	8,866.86	178.56	42,273.63
Sanitation Fund 430-4334	vacant	Pump Mechanic	vacant	25%	B	vacant	Full Time	541	29.86	15,527.20	1,086.91	4,433.43	89.28	21,136.82
Non-Departmental -1119	vacant	Pump Mechanic	vacant	25%	B	vacant	Full Time	541	29.86	15,527.20	1,086.91	4,433.43	89.28	21,136.82

PHYSICAL ACTIVITIES:

Essential physical activities:

- | | | | | | |
|---|---|--|--|---|--|
| <input checked="" type="checkbox"/> Climbing | <input checked="" type="checkbox"/> Balancing | <input checked="" type="checkbox"/> Stooping | <input checked="" type="checkbox"/> Kneeling | <input checked="" type="checkbox"/> Crouching | <input checked="" type="checkbox"/> Crawling |
| <input checked="" type="checkbox"/> Reaching | <input checked="" type="checkbox"/> Standing | <input checked="" type="checkbox"/> Walking | <input checked="" type="checkbox"/> Pushing | <input checked="" type="checkbox"/> Pulling | <input checked="" type="checkbox"/> Lifting |
| <input checked="" type="checkbox"/> Fingering | <input checked="" type="checkbox"/> Grasping | <input checked="" type="checkbox"/> Feeling | <input checked="" type="checkbox"/> Talking | <input checked="" type="checkbox"/> Hearing | <input checked="" type="checkbox"/> Driving |
| <input checked="" type="checkbox"/> Repetitive Motion | | | | | |
| <input checked="" type="checkbox"/> Other (list): Confined Spaces | | | | | |

MATERIALS AND EQUIPMENT:

Machines, tools, equipment, electronic devices, software, etc. used by position:

- Camera/photographic equipment
- Cleaning supplies (for firearms)
- Commercial vehicle
- Data processing equipment
- Handcart
- Hand tools
- Headset
- Office equipment (desk, chair, phone, etc.)
- Office machines (copier, facsimile, calculator, cash register, etc.)
- Office supplies (pens, staplers, pencils, etc.)
- Packaging materials (boxes, shrink wrap, etc.)
- PC equipment (monitor, keyboard, printer, etc.)
- PC software
- Public safety equipment (firearms, radar, radio, mobile video systems, etc.)
- Other (list): smart phones, tablets, welding equipment, sandblasting equipment, paint sprayers and other tools necessary to perform maintenance and repair of mechanical systems.

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For Office Use Only

Revision Date: 02/16/2022
Previous Revision Date: 06/20/2005
Previous Title: Pump Mechanic

CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)

Workshop Agenda Item #3

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
CITY MANAGER'S OFFICE					
Special Event Policy Update	Working on Framework	N/A	2/15/2021	12/31/2021	In progress
Comprehensive Emergency Management Plan Review	The MCEMP went through an exhaustive update last year 5/25/2021 Emergency Management Meeting with Staff; NBPD updating.	N/A	3/10/2021	1/30/2022	In Progress
Various Personnel Policy Updates	Draft back from consultants and with department heads for review and revision due 11/23/2021.	N/A	3/5/2021	1/30/2022	In progress
FOP Contract Negotiations			7/1/2021	TBD	
CFO Search	Begins 8/12/2021--estimated completion 9/30/2021		8/11/2021	12/30/2021	
Budget Planning	First hearing on 9/8/2021, second hearing on 9/20/2021		5/20/2021	9/27/2021	Complete
Beach Recycling, Container Improvements and Educational Signs at Beach Accesses			In progress		
Waste Pro Liquidated Damages	Ongoing	N/A	N/A	N/A	On-going
FINANCE DEPARTMENT					
FEMA Disaster Relief Request	Preparing documentation to be submitted for Hurricane Dorian. FEMA opened disaster relief portal.				12/31/2020
Tyler Technologies Financial Software Replacement	Update & Submit City's 1,600 general ledger accounts to conform with Florida Uniform Chart of Accounts to include project codes.		11/17/2020	New Chart of Accounts Rebuilt and reviewed completed.	Postponed until 7/22
Fiscal Year 2020 Audit	Auditor's requested financial data. Preparing requested documentation and sending it to auditors.		12/31/2020	Audit requests provided to new Audit Team.	Completed by MP
Fiscal Year 2020 Audit	Compile FY 2020 Basic Financial Statements		2/1/2021	In progress	Completed by MP
Fiscal Year 2020 Audit	Complete FY2020 Audit Entries and book FY 2020 Adjusting Entries.		2/1/2021	In progress	Completed by MP
Vacancy	Advertise for Cashier 1 Full-time Position.		2/15/2021	Cashier 1 Advertised, Candidates Interviewed, Offer and Acceptance Completed	Completed
New Banking Services	Move all city Cash Deposits to new bank.		3/1/2021	In progress	
New Banking Services	Go live with Employee Direct Deposits.		3/1/2021	ACH File Upload errors reduced, final test pending new file upload.	
New Banking Services	Configure and Test Direct ACH Files with ERP System Support.		3/1/2021	ACH File Upload errors reduced, final test pending new file upload.	

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
FINANCE DEPARTMENT					
Compile OPEB Data for Actuaries	Open Until Completion of FY20 Audit		7/1/2021	Open	Completed by MP
Distribute 2016-2019 Unclaimed Property to State	Completed		5/26/2021	Completed	Completed 6/2021
Advertise RFP for Auditing Services	Open		TBA	Open	TBD
PLANNING AND COMMUNITY DEVELOPMENT					
Building Department Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	3/9/2022	Ongoing
Code Enforcement Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	3/9/2022	Ongoing
Commercial Fire Inspection Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	3/9/2022	Ongoing
March Community Development Board Meeting	Meeting was held 3/9/22. Comments being drafted and held until City Council Meeting for consolidation of requested revisions.	N/A	ongoing	2/15/2022	3/25/2022
Phase III: First Draft Land Development Code- Internal	First draft by D&K is being sent in sections. Remainder of first draft should be sent to staff by months end.	N/A	ongoing	3/9/2022	3/1/2022
Phase III: City Staff Internal Review	Staff has completed the internal review of all sections and sent comments to D&K on revisions. As D&K sends back revised sections, staff is reviewing for consistency. Staff also has a meeting with D&K to discuss the future of the endeavor 3/10/22	N/A	ongoing	3/9/2022	3/1/2022
Phase III: First Draft Land Development Code- Public	Charter, Alcoholic Beverages, Sales, Streets, Sidewalks and Other Public Places, Tree Protection and Landscaping, Streets, Sidewalks and Rights-of-Way and Cannabis Dispensing are being brought to the CDB 3/9/22 and to City Council 3/21/22. Clarification on certain language is being brought to the City Council for the Land Use Section on 3/21/22.	N/A	2/9/2022	3/9/2022	TBD
Phase III: Code Testing	Staff is meeting with D&K to discuss code testing of the land use section on 3/10/22.	N/A	ongoing	3/9/2022	TBD
Phase III: 1st Draft Code Workshop	TBD	N/A	ongoing	3/9/2022	TBD
Phase III: Public Presentation	TBD	N/A	ongoing	2/15/2022	TBD
Phase III: Open House	TBD	N/A	ongoing	2/15/2022	TBD
Phase III: Technical Meetings and Stakeholder Meetings	These meetings are happening internally as we screen the LDC updates provided by Dover & Kohl.	N/A	ongoing	3/9/2022	TBD
Phase III: Review of Public Comments	3/4/2022	N/A	ongoing	3/9/2022	TBD
Phase III: Code Revisions and Final Draft LDC	4/8/2022	N/A	ongoing	3/9/2022	TBD
Phase III: Presentation of Final Draft LDC	4/28/2022	N/A	ongoing	3/9/2022	TBD
Phase III: Final Document Revisions	5/13/2022	N/A	ongoing	3/9/2022	TBD
Phase III: Public Hearing Presentation	5/30/2022	N/A	ongoing	3/9/2022	TBD

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
PLANNING AND COMMUNITY DEVELOPMENT					
CRA: Finding of Necessity Research Data Collection and Analysis	Staff has placed this on hold pending the LDC adoption	N/A	N/A	Completed	TBD
CRA: Networking and Outreach	On hold	N/A	N/A	11/10/2021	TBD
CRA: Submit Finding of Necessity to DEO and Taxing Authorities	On hold	N/A	N/A	11/10/2021	TBD
CRA: Board Meeting	On hold	N/A	N/A	11/10/2021	TBD
CRA: Creation of the CRA Plan and Establishing a CRA Trust Fund	On hold	N/A	N/A	11/10/2021	TBD
Fee Resolution	Staff has reviewed and is drafting an updated fee resolution for Community Development Activities to be presented to Council no later than 4/4/22	N/A	3/1/2022	3/9/2022	4/4/2022
GRANTS & RESILIENCY					
Jarboe Park Phase 1 - Tennis, Pickleball & Volleyball Courts - Construction	Concrete pours for path connections to Fifth St scheduled for 3/16/2022 and 3/23/2022		1/1/2021	3/14/2022	In progress
Jarboe Park Phase 1 - Tennis, Pickleball Courts & Volleyball Courts - Opening	Landscaping - Week of 3/28/2022		1/1/2021	3/14/2022	In progress
Jarboe Park Phase 1 - Tree Planting Plan	Planting Plan approved by COJ Tree Commission on 12/15/2021		1/1/2021	3/14/2022	Completed
Jarboe Park Phase 1 - Tree Planting	Planting tentatively scheduled for April 2022		1/1/2021	3/14/2022	In progress
Jarboe Park Phase 1 - Court Shade Structures	Poles Installed 1/28/2022, Shades installed on 2/28/2022		1/1/2021	3/14/2022	Completed
Resiliency Lab at Jarboe Park - MOU	MOU with Smart North Florida executed on 2/15/2022		8/1/2021	3/14/2022	Completed
Resiliency Lab at Jarboe Park - Pilot Technologies Identification	Soofa Smart Kiosk - Discussions with vendor on 8/25/2021, 9/15/2021 and 1/27/2022		8/1/2021	3/14/2022	In progress
Resiliency Lab at Jarboe Park - Pilot Technologies Identification	City Council approved Storm Sensor project on 2/7/2022, Sensor Installation scheduled for 3/24/2022		8/1/2021	3/14/2022	In progress
COJ Florida Blvd Rapid Rectangular Flashing Beacon	Beacon installed on 12/2/2021 - installation of advance signage and stop line pavement markings forthcoming, Follow up with COJ Traffic Engineering on 3/9/2022		8/1/2021	3/14/2022	In progress
COJ Penman Road Complete Streets Project Study	Community Meeting on 12/15/2021 - study scheduled for completion by Fall 2022		10/1/2021	3/14/2022	In progress
FDOT Atlantic Blvd and Third St Intersection Improvements and Bay Street Pedestrian Hybrid Beacon and Crosswalk	Construction started on 1/3/2022 - scheduled for completion by Summer 2022		7/1/2021	3/14/2022	In progress

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
POLICE DEPARTMENT					
Motorola P1 Computer Aided Dispatch (CAD) Project	Development Stage, Weekly meetings w/ stakeholders	\$35,000	7/12/1905	Active	In progress
2020-JAGC-DUVA-7-5R-172 (Tech. / Wellness Project)	Funds Awarded, Project being Deployed	\$57,002 (+)	7/1/2021	Active	In progress
2021-JAGC-DUVA-4-3B-127 (TBD)	Funds Awarded, Pending Deployment	\$52,858 (+)	1/1/2021	Active	In progress
2021 Annual Review Reports & Audits	In progress / Editing	N/A	1/3/2022	Active	In progress
Firehouse Public Safety Grants	Previously Submitted 08/01/21, Not Awarded 10/01/21 Next Cycle Opens 04/07/22, Pending Submission	\$15,000	4/7/2022	Upcoming	Pending
DUI Unit Body Worn Camera (BWC) & In-Car Camera Project	50% Deliverables received, pending training & deployment	\$7,748	7/13/1905	Active	In progress
Patrol Rifle Refresh	50% Deliverables received, Curriculum Development Completed, Pending Deployment in March 2022	\$5,000.00	7/13/1905	Active	In progress
Replacement of Totaled Police Vehicle	Purchased 2021 Ford Explorer Police Interceptor & Equipment Upfit Awaiting Equipment Arrival	\$45,000.00	11/30/2021	Active	In Progress
Donna Marathon	Completed Successfully	N/A	11/1/2021	Completed	2/9/2022
Auction Surplus Vehicles and Equipment	Un-installing Police Equipment to make sale ready	N/A	1/3/2022	Active	In Progress
Purchase 2021 Ford Explorer Police Interceptor & Equipment Upfit	Vehicle Ordered, Awaiting Arrival	\$45,000.00	1/1/2022	Active	In-Progress
PUBLIC WORKS DEPARTMENT					
WTP Emergency Response Plan	Professional Services: - Draft version submitted by the Consultant on 12/17/2021 - Certified the draft version to the EPA on 12/17/2021 - Meeting scheduled with Consultant on 1/13/2022 - Consultant conducted a site visit on 1/25/2022. - Consultant working on final document edits and coordination.	Consulting Fee: \$41,964.00	November 17, 2021	January 31, 2022	On-going
CUP Renewal and well relocation design	Professional Services: -The Supplemental Agreement with the Consultant was approved during the January 3, 2022 Council meeting - Kick-off meeting with the Consultant on 1/14/2022. - Progress meeting with the City's Consultant on 1/28/2022 to prepare for SJRWMD pre-application meeting. - Pre-application meeting with the SJRWMD held on 1/31/2022. - Coordination meeting with City's consultant on 2/14/2022 to work on flow projections. - Coordination meeting with City's consultant on 3/3/2022 to work on flow projections.	Consulting Fee: \$421,000	January 07, 2022	July 30, 2023	On--Going
PUBLIC WORKS DEPARTMENT					

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Phase I WWTF improvements to address the Consent Order	<ul style="list-style-type: none"> - Consultant working on preliminary investigations and FDEP's initial submittals - Kick-off meeting with the City's Consultant held on January 10, 2022 - Meeting with FDEP to discuss modifications to the Consent Order on January 14, 2022 - Meeting with SJRWMD to discuss possible SJRWMD Grant Funding Opportunities on February 2, 2022 - Progress meeting with the consultant on February 3, 2022 - Meeting with the City's Consultant on 2/10/2022 to coordinate SJRWMD grant application due next week. - Submitted SJRWMD grant application on 2/18/2022. - The Consultant samples various locations at the WWTF March 3. - Coordinating with FDEP on requesting consent order modifications. - Progress meeting with the City's Consultant on 3/3/2022. 	Consulting Fee: \$412,096.43	December 09, 2021	July 30, 2023	On-Going
Stormwater strategic planning	<ul style="list-style-type: none"> - Kick-off meeting held on December 21, 2021 - Coordinating the public engagement meeting - Prepared public notice and coordinating advertisement of public meeting - Scheduled Public Outreach Meeting on March 30, 2022 from 5pm to 7pm. - Conducted a site visit with the City's Consultant of the City Council Chambers to plan layout for the Public Outreach meeting. - scheduled review meetings with Consultant on 3/10/2022, 3/16/2022, and 3/18/2022 to prepare for the Public Outreach meeting. 	Consulting Fees: \$252,817	December 09, 2021	September 30, 2022	On-Going
MS4 compliance and annual report	<ul style="list-style-type: none"> -The Supplemental Agreement for the consulting services was approved during the January 3, 2022 Council meeting. - Annual BMAP updates prepared and sent to FDEP - Staff collecting annual MS4 documents and sending them to the Consultant - Staff requesting documents from City Vendors - Coordination meeting with City's consultant on 2/11/2022 	Consulting Fees: \$19,000	January 07, 2022	September 30, 2022	On-Going
Emergency gravity sewer main repairs on Forest Ave.	Consultant working on draft annual report documents	Purchase Authorizations Amount: \$324,577.16	January 04, 2022	TBD	On-going
SB 64 planning	<ul style="list-style-type: none"> - Working with Consultant along with the COJB and COAB to set up a joint meeting to discuss scoping sometime in the middle of January 2022. - January 5, 2022 FDEP notified Public Works that we 84 days to submit an approvable cover letter and plan. - Requested the Consultant contact FDEP to discuss the notice and options. - Beaches coordination meeting on 1/20/2022. - City's consultant working on proposal to bring to the 2/22/2022 City Council meeting. 	Consultant Fees: TDB	TBD	March 30, 2022	Planned

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
PUBLIC WORKS DEPARTMENT					
Pavement assessment program (Roadbotics)	- Mobility Management is assisting Public Works - The City sent Roadbotics a GIS file of the road line work - Currently driving roads using Roadbotics	Software as Service Cost: \$4,000/yr.	October 08, 2021	September 30, 2022	On-going
City Signage Inventory (Agile Mapper)	- Planning to start the City signage inventory after the pavement assessment is completed	Software as Service Cost: \$5,000/yr.	October 14, 2021	September 30, 2022	Planned
Water Tower Repairs and Maintenance	- Coordination meeting with Utility Services/Suez on February 2, 2022. - Utility Services/Suez action items include: planning the phasing of the work to minimize road closures, use the limited space available near the water tower and R-O-W across the street including the park at the 5-way intersection, preparing site plan, MOT plan, and advertisement that can be used for permitting and community engagement. - Utility Services/Suez inspected the water tower and performed a wash-out of the interior on 2/24/2022.	TBD	Tentatively starting May 2022 and completing in August 2022 so the majority of the work is done while school is out.	TBD	Planned
SENIOR ACTIVITY CENTER					
Eckstein Charitable Foundation	In-Person Meeting			4/6/2022	
Community Development Block Grant	In-Person Customary Review of 2020-2021 Records			4/5/2022	
Eckstein Charitable Foundation Grant	Submitting Grant Request for \$100,000.00			In Progress	
Senior Center Facility Equipment & Internet	Kitchen Equipment to be Delivered on 3/21/22; Internet and Phone Installation Scheduled for 3/31/22.			In Progress	3/31/2022
Senior Center Facility Parking Spaces	Permit for spaces has been submitted to the City			In Progress	
Marquis Latimer & Halback, Inc.	Moving forward with SJWMD permitting and bid documentation for review.			In Progress	
CDBG Contract 2022-2023	Mandatory meeting 01/11/2022	Requesting \$50,000 (10% increase)	10/1/2022	In Progress	9/30/2023
Senior Activity Center pack/move equipment	Ongoing-delayed by sewer line issues in the adjacent area	NA	1/3/2022	ON-GOING	Late March - Early April 2022
Planning/discussions with Marquis Latimer & Halback, Inc engineering/landscaping/ porch design/build estimates	ongoing	\$35,000	7/1/2021	Jan-22	5/1/2022
Building porch, parking lot, storm water runoff, landscaping	ongoing	\$125,000.00	3/1/2022	In Progress	5/1/2022
CDBG Contract 2022-2023	Grant Submitted	Requesting \$44,895	10/1/2022	In Progress	9/30/2023
Planning/discussions with Marquis Latimer & Halback, Inc engineering/landscaping/ porch design/build estimates	ongoing	\$35,000	7/1/2021	Jan-22	5/1/2022
Building porch, parking lot, storm water runoff, landscaping	ongoing	\$125,000.00	3/1/2022	In Progress	5/1/2022
Procurement of equipment/supplies/furniture	ongoing	\$90,000	9/1/2021	In Progress	4/30/2022
RFP for build of porch/SJWM permit/parking area/ purchase & install landscaping	Working with City Manager & PW Director	NA	MARCH/APRIL 2022	TBD	APRIL/MAY2022
Conference with RFP award contractor	TBD	NA	Late March	TBD	4/1/2022
MOBILITY MANAGEMENT					

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 03/15/2022)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Use Roadbotics assessment software to record data for all streets in City limits.	Data collection in progress. Having issues with GPS synchronization as of 3/10/22, troubleshooting with Roadbotics. Routes already recorded will need to be re-recorded.	TBD; Project is budgeted by Public Works Department.	12/6/2021	3/10/2022	Goal: 03/01/2022. Goal will need to be amended due to GPS issues that Roadbotics is troubleshooting.
New signs on west side of City Hall	Signs procured. Flex-post style and hardware approved by Streets Director (public works). PA in progress.	Signs: \$450 Posts: Gathering quotes	2/1/2022	3/10/2022	Goal: 03/21/2022
Beaches Town Center parking kiosk lighting assessment	Director and parking ambassadors creating list of problem areas and potential solutions.	None	1/1/2022	3/10/2022	Goal: Assessment and proposal completed by 3/15/2022
Transition all citation payments to City Hall cashiers	Transition approved by CM and Utility Billing Supervisor. SOPs completed. Jazmine to be trained within the coming weeks.	None	1/1/2022	3/10/2022	Goal: 04/01/2022
North Beaches Parking Program Strategic Plan	Drafting. Holding weekly meetings with CDD to coordinate parking program strategic plan with CONB wayfinding plan.	None	2/2/2022	3/10/2022	Goal: 06/01/2022
Re-program NuPark time enforcement zones	NB Street Parking, AB Street Parking, and Courtyard zones re-programmed and tested, fully functional. NB Resident and Neptune Baptist Church zones to be reprogrammed.	None	12/1/2021	3/10/2022	Goal: 4/01/2022
Repairs to parking kiosk at Orange and First	Replaced or tested main board, modem board, display module, data pack, data pack battery, and SIM card per tech support's directions. No change. One more round of tests to be performed and then ticket will go to field service department.	None	1/15/2022	3/10/2022	Goal: ASAP. Priority Item.
Rework parking areas on the north and south sides of Bank of America.	Supplemental agreement for field locates approved, Geomatics on site as of 3/9/2022.	\$2,114	1/1/2022	3/10/2022	Goal: 05/01/2022
INFORMATION TECHNOLOGY					
Updating the backup infrastructure	In progress	N/A	10/11/2021	10/11/2021	In Process
Creating documents according to the CM and the interim CFO's instructions	In progress	N/A	10/5/2021	10/11/2021	In progress
Tyler Technologies ERP	Working on collecting the required information from all affected departments, having current future state analysis meetings with Tyler and the department heads	N/A		1/4/2022	In Progress
Tyler Technologies Incode Financial Implementation	We've been working on the Tyler Incode 10 test environment	N/A		1/4/2022	In Progress
Working on the server upgrades project	Phase one negotiating and getting price quotes	N/A		1/4/2022	In progress
Computer upgrades	All required quotes have been received and submitted	N/A		2/15/2022	In progress
Server upgrades	All required quotes have been received and submitted			2/15/2022	In progress
Submitted by the City Manager on March 21, 2022					

Building Activity Report

Building Activity October 1, 2021 to September 30, 2022						
Month	# of Permits Issued	Plan Review	Inspections Completed	Cash Receipts	Tree Removal Permits	Valuation of Work Done
Oct-21	109	89	124	\$21,333.09	7	\$1,861,931
Nov-21	99	52	163	\$16,924.29	7	\$1,621,863
Dec-21	96	72	163	\$25,615.88	4	\$5,433,562
Jan-22	124	80	193	\$29,540.85	4	\$3,222,706
Feb-22	110	74	171	\$16,820.09	7	\$1,206,004
Mar-22						
Apr-22						
May-22						
Jun-22						
Jul-22						
Aug-22						
Sep-22						
Totals	538	367	814	\$110,234.20	29	\$13,346,066

Building Activity October 1, 2020 to September 30, 2021						
Month	# of Permits Issued	Plan Review	Inspections Completed	Cash Receipts	Tree Removal Permits	Valuation of Work Done
Oct-20	84	58	151	\$13,016.40	6	\$2,168,231
Nov-20	92	66	91	\$12,601.91	4	\$1,973,657
Dec-20	98	64	115	\$12,967.22	3	\$1,192,593
Jan-21	97	52	112	\$16,389.85	9	\$1,400,891
Feb-21	112	95	139	\$22,409.82	11	\$2,442,996
Mar-21						
Apr-21						
May-21						
Jun-21						
Jul-21						
Aug-21						
Sep-21						
Totals	483	335	608	\$77,385.20	33	\$9,178,368
Difference	55	32	206	\$32,849.00	-4	\$4,167,698

Code Enforcement Report



Case Report

02/01/2022 - 02/28/2022

Case #	Case Date	Description of Violation	Parcel Address
2022044	2/28/2022	TREE INSPECTION	314 FIRST STREET
2022043	2/14/2022	BUILDING WITHOUT PERMIT.	1515 KINGS ROAD
2022042	2/14/2022	POLITICAL SIGNS	
2022041	2/11/2022	LICENSE FOR SHORT TERM RENTAL	CITY WIDE
2022040	2/7/2022	DRAINAGE	233 PINE STREET
2022039	2/4/2022	SIGN COMPLAINT	214 ORANGE STREET
2022038	2/4/2022	SITE VISIT	218 FIRST ST
2022037	2/28/2022	VISUAL OBSTRUCTIONS OF CITY STREET	CITY WIDE
2022036	2/22/2022	ABANDONED VEHICLES/TRAILERS	500 ATLANTIC BLVD (LAWN METER)
2022035	2/22/2022	LAWN CARE/ NEGLECT	500 ATLANTIC BLVD (LAWN METER)
2022034	2/28/2022	TREE INSPECTION	1509 WINDWARD LANE
2022033	2/25/2022	STORM WATER RUN OFF FROM ROOF IS CAUSING A NUISANCE FOR NEIGHBORING	200 FIRST STREET
2022032	2/18/2022	SNIPE SIGN	CITY WIDE
2022031	2/18/2022	SNIPE SINES	CITY WIDE
2022030	2/17/2022	rebuilding front balconies without permit	2125-2127 FLORIDA BLVD
2022029	2/4/2022	GREASE DUMPING	301 ATLANTIC BLVD
2022028	2/2/2022	FENCE COMPLAINT	610 OCEANFRONT

Total Records: 17

3/11/2022

Fire Marshal Report

Fire Marshal Report - February 2022							
Annual Inspections							
2/17/2022	1451	Atlantic Blvd	Dos Vatos TaCOS	Change in Seating / Hotel & Rest.			3
2/22/2022	700	Third St, S-101	Advanced Detmatology				2
2	Inspections						
Total Fire Inspections for physical year 2021/2			51				

Fire Marshal Report - February 2022							
Reinspections							
Total						0.00	

Fire Marshal Report - February 2022							
New Businesses							
2/2/2022	628	Atlantic Blvd	Wax Jax 3			50.00	2
2/2/2022	1487	Atlantic Blvd	Southside Beach			50.00	2
Total New Business this month			2				
Total New Businesses Inspections for physical year 2021/22				10			
Total						100.00	

Fire Marshal Report - February 2022							
Building Plan Review							
Date	BP #	Address	FloodZone	Proj Value	Scope	dg Market Val	Time Spent

Fire Marshal Report - February 2022	
New Construction Reinspections	

Fire Marshal Report - February 2022			
Floodplain Related			
2/4/2022	Responded to CAV	Sent response to State	5 hr
2/21/2022	Responded to State refeence 1423 Forset Ave, Sent EC		2 hr
2/28/2022	Spoke to State Ref CAV and Forest Blvd		1 hr
		Totsl Hr Spennt	8 hrs

Elevation Certificate						
2/2/2022	1439	Forest Ave	Ajust Score CAV	2.00		
2/3/2022	1423	Forest Ave	Ajust Score CAV	2.00		
2/3/2022	1413	Forest Marsh Dr	Ajust Score CAV	2.00		
2/3/2022	1507	Forest Marsh Dr	Ajust Score CAV	2.00		
2/3/2022	807	Davis St	Ajust Score CAV	2.00		
Total Elevation Certificates reviewed this mor		5				

Site Visit					
2/1/2022	218	Second St	Slidders	Storm Water Run off From Neighbor	1
2/1/2022	310	Third St	Shore Line	Flow Test	1
2/2/2022	1451	Atlantic Blvd	Dos Vatos Taco	DBPR Seating Change Evaluation	1

19 miles

LDC Rerview Meetings							
2/1/2022							1.50
2/3/2022							1.50
2/15/2022							2.00
2/17/2022							2.00
2/24/2022							2.00
						Hrs. Spent	9.00

Fire Investigation						
Date	Address	Street			Loss	Time Spent
2/1/2022	630	Atlantic Blvd	Dumpster Fire Behind Shopping Center		N/A	1.50

1

STAFF REPORT



MEETING DATE: March 21, 2022
BOARD/COMMITTEE: City Council

TO: City Council

FROM: Sam Brisolaro, Community Development Director

DATE: March 14, 2022

SUBJECT: Land Development Code Update

- I. **BACKGROUND:** Dover & Kohl (D&K) have been contracted to aid in the updating of the City's Land Development Code. Sections of the code were sent to staff for review. Staff, in turn, sent revisions to D&K. D&K revised the code, as directed by staff, and prepared this draft section for City Council review and comment.
- II. **DISCUSSION:** Draft sections for review are, Charter, Alcoholic Beverages, Sales, Streets, Sidewalks, and Other Public Places, Tree Protection and Landscaping, Streets, Sidewalks, and Rights-of-Way, and Stormwater Management and Erosion Control.

During staff review of the draft document, there were a few policies that were not revised as requested, or D&K supplied additional questions on the suggested policy changes. Staff has met with D&K to discuss the inconsistency of communication and has established a more streamlined communication process for future sections.

- III. **CONCLUSION:** Staff requests any questions, comments, or concerns to the draft sections provided for Council review.

- IV. **RECOMMENDED MOTION:**

NO RECOMMENDED MOTION.

PART I - CHARTER⁽¹⁾

ARTICLE IV. - GENERAL PROVISIONS

Section 4.07 - Building height limitation set by referendum.

No building that exceeds 35 feet shall be permitted in the city.

- (a) *Purpose.* To protect the public health, safety, general welfare and aesthetics.
- (b) *Point of reference.* The lower point of reference for determining the height of a building shall be the greater of one foot above the crown of the road in front of the proposed building or the average of the natural existing grade. The point of reference for determining the height of a commercial or residential building in a flood zone affected by the coastal construction control line will be the minimum base flood elevation required for habitable space required as set by FEMA's Flood Insurance Rate Maps (FIRMs) and required by Florida Administrative Code.
- (c) *Damaged buildings over 35 feet.* Such buildings may be rebuilt to their original height.
- (d) *Exceptions.*
 - 1. Non-residential buildings may be allowed an additional five-feet for uses such as air conditioners, solar cells, elevators and parking.
 - 2. Antennas, flagpoles, steeples, and water towers not intended for human occupancy may exceed the height limit.
- (e) *Lower height limits.* City council may impose lower height limits in individual zoning districts.

(Ord. No. 2004-06, § 1, 6-7-04/11-2-04)

Chapter 4 - ALCOHOLIC BEVERAGES^[1]

ARTICLE I. - IN GENERAL

Sec. 4-4. - Location of establishments.

- (a) No license shall be granted or issued to any vendor selling alcoholic beverages at retail which derives fifty-one (51) percent or more of its annual gross revenue from the sale of alcoholic beverages within eight hundred (800) feet of the location of any business for which an existing license (deriving fifty-one (51) percent or more of its annual gross revenue from the sale of alcoholic beverages) has been issued to a vendor selling alcoholic beverages or within eight hundred (800) feet of any established school or church. **The eight hundred (800) foot is inclusive of alcoholic beverage vendors, schools, or churches outside the City of Neptune Beach limits.**
- (b) The provisions of subsection (a) above shall not apply to any licensed by the State of Florida Department of Business and Professional Regulation Division of Hotels and Restaurants having or applying for a 2-COP license.
- (c) The locations of all places of business licensed to sell retail alcoholic beverages containing more than one (1) percent of alcohol by weight on June 30, 1972, shall not in any manner be affected by this section, and the distance limitations provided for by this section shall not affect any licensed locations existing on June 30, 1972, issued to and held by any such vendor, nor such vendor's right of renewal or transfer of any such license; except that the location of any such license existing on June 30, 1972, shall not be transferred to a new location in violation of this section.
- (d) The provisions of this section prescribing distance limitations shall not apply to any bona fide hotel or motel containing not less than thirty-five (35) guest rooms or any restaurant having two thousand five hundred (2,500) square feet of service area and equipped to serve one hundred fifty (150) persons full-course meals at one (1) time, and deriving not less than fifty-one (51) percent of its gross income from the sale of food and nonalcoholic beverages prepared, served and consumed on the premises, or grocery stores and drugstores licensed to sell beer and wine as defined by F.S §§ 563.01 and 364.01 for off-premises consumption only.
- (e) The distances provided for by this section in reference to the location or proposed location of a license of a vendor selling any alcoholic beverages shall be measured as follows:
 - (1) With respect to the location of another such license of such a business, or the transfer of any such license, by following the shortest route of ordinary pedestrian travel along public thoroughfares from the main entrance of any proposed location of any such business; and
 - (2) With respect to the location of any established church or school, by following the shortest route of ordinary pedestrian travel along public thoroughfares from the main entrance of the proposed place of business to the main entrance to the church and, in the case of a school, to the nearest point of the school grounds in use as part of the facilities.

(Code 1959, §§ 3-7—3-9, 3-11; Ord. No. 1998-27, § 1, 10-5-98; Ord. No. 2005-03, § 1, 3-7-05; Ord. No. 2005-08, § 3, 5-2-05; Ord. No. 2008-15, § 1, 12-2-08)

Cross reference— Zoning, Ch. 27.

State Law reference— Authority to regulate location of place of business, F.S. § 562.45(2).

Sec. 4-8. - Premises where retail sales for off-premises consumption are permitted.

- (a) Retail sale, limited to beer as defined by F.S. § 563.01, and wine as defined by F.S. § 564.01 shall be permitted only upon the following licensed premises:

- (1) Businesses within the C-2, C3 and CBD zoning districts abutting Atlantic Boulevard or Third Street.
 - (2) Establishments in locations presently open for business and where a current valid alcoholic beverage license exists as of the effective date of this section.
- (b) Retail sale of alcoholic beverages, which includes liquor as defined by F.S. § 565.01, in addition to beer and wine, shall be permitted only under the following conditions and upon the following licensed premises:
- (1) Business properly licensed by the city for the retail sale of alcoholic beverages; and
 - (2) Business located within the C2, C3 and CBD zoning districts only and subject to zoning codes of this City Code.

(Ord. No. 2005-08, § 4, 5-2-05; Ord. No. 2009-07, § 1, 9-9-09; Ord. No. 2009-10, § 1, 11-2-09)

Chapter 17 - SALES^[1]

ARTICLE III. - OPEN AIR SALES AND MARKETS

Sec. 17-33. - Generally.

The provisions of subsection 27-227(b)(21) relating to retail sales shall be inapplicable to open air sales and markets.

(Ord. No. 2000-04, § 1, 8-7-00)

Sec. 17-34. - Open air markets.

Open air markets are defined as areas in which vendors sell flowers, plants, plant materials, fruits, produce, vegetables and other non-commercially processed food items and hand-crafted items which are made by the vendor or the vendors' immediate family, only under the permits issued under this chapter and who do not sell those items exclusively in compliance with the licensing and building regulations relating to permanent business establishments.

(Ord. No. 2000-04, § 1, 8-7-00)

Sec. 17-35. - Location of open air sales and markets.

Open air sales and markets shall be operated exclusively on private property within the central business district and the C-1, C-2, and the C-3 commercial districts and special events at Jarboe Park by permit only of Neptune Beach.

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

Sec. 17-36. - Open air market area.

This chapter and its sections are intended to be utilized for the purpose of establishing an open air market area, in which there may be numerous stalls, display or sales locations for the items listed above on private property within the central business district and the C-1, C-2, and the C-3 commercial districts and Jarboe Park.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 2, 12-1-03; Ord. No. 2008-06, § 2, 6-16-08)

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 community development board plans and specifications showing layout, site plan, parking plan, traffic control and ingress/egress plans, 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, including dumpster requirements; signage; construction or electrical and other utility requirements, including portable water, and any other information required by the community development board. The community development board shall have the authority to place any and all appropriate restrictions on the operation of an open air market. The 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; Ord. No. 2010-14, § 1, 9-7-10)

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 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-1, C-2, and C-3 commercial districts 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; Ord. No. 2010-14, § 2, 9-7-10)

Sec. 17-48. - Food trucks.

Food trucks may be permitted by the city manager as set forth herein.

- (1) Jarboe Park and/or city property.
 - a. Food trucks may be allowed in Jarboe Park and/or city property as permitted by the city manager or designee, subject to the requirements below.
 - b. The regular or frequent operation of food trucks shall not be permitted on city streets or city rights-of-way.
 - c. Food trucks shall not be permitted on the beach or on city beach access points.
- (2) Residential districts and commercial districts.
 - a. Food trucks shall only be permitted in residential zoning districts and commercial district at special, catered events.
 1. A catered event is defined as where a property owner hosting a private special event pays the food truck operator or owner for the service and no individual "walk-up" sales occur.
 2. A special event shall be defined as an occasional or periodic gathering hosted, sponsored or authorized by a property owner. The frequency and uniqueness of the proposed event shall be considered by the city manager in reviewing an application.
 3. The food truck may only operate at the private special event during the approved hours of the event, including set-up and take-down times.
 4. Food trucks should be parked in such a way as to not cause traffic problems, and when possible, positioned on property hosting the special event.
- (3) Standard permit requirements.
 - a. The following requirements must be met for the operation of food trucks:
 1. Submittal of a completed and approved application form by the property owner.
 2. Proof of liability insurance held by the food truck owner for at least one million dollars (\$1,000,000.00).
 3. Proof of inspection by the Duval County Health Department of the Food Truck within the last six (6) months.
 4. Proof of a valid Neptune Beach business tax receipt.
 5. Food trucks at a private special events are required to submit a fire safety plan with their application and must pass a fire inspection once the event is set up. Furthermore, they may be closed by the police department, fire marshal, or the building official for safety issues, violation of the permit, or violation of other city ordinances.
- (4) A food truck shall be defined as a vehicle, trailer or other similar mobile food unit equipped with facilities for cooking and/or preparing and selling food at a private special event.

(Ord. No. [2014-18](#), § 1, 10-6-14; Ord. No. [2015-01](#), § 1, 3-2-15; Ord. No. [2018-05](#), § 1, 10-1-18)

Secs. 17-49—17-70. - Reserved.

Chapter 18 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES⁽¹⁾

Sec. 18-4. - Use of public right-of-way.

- (a) With the exception of public beach access points, which may not be privately improved or used under any circumstances, property owners may improve or use their adjacent public right-of-way for driveway aprons and landscaping, so long as any landscape plantings or groundcover do not impede public on-street parking spaces. The city shall not be responsible for any damage to improvements in the right-of-way made by adjoining property owners except for concrete or asphalt driveways. The city will repair, at its own expense, concrete and/or asphalt driveways that have been destroyed due to repairs made by the city to its infrastructure or other such related work. The cost of such repair will be limited to the city's cost for replacing with concrete or asphalt only. The cost for replacing pavers, landscaping, and other improvements in the right-of-way, beyond basic concrete and asphalt, will fall upon the adjoining property owner. The property owner may elect to receive this cost repair amount rather than having the work performed by the city. All proposed private use of the city right-of-way such as driveways, parking areas, landscaping or other changes must obtain a right-of-way permit and pay any associated permit fees.
- (b) No activity will be permitted in the right-of-way that adversely impacts or otherwise interferes with emergency access, utility access or other such similar access, nor shall any activity or use be permitted in the right-of-way which leads to improper drainage or flooding issues.
- (c) Failure to adhere to the permit and its conditions or these rules may result in the city removing any changes that have been made without notice.
- (d) No items may be placed in the right-of-way and no activities may take place in the right-of-way that are not also permitted or allowable according to the terms and conditions of the city's municipal separate storm sewer system drainage permit (hereinafter "MS4") as issued by either the State of Florida, Department of Environmental Protection and/or the St. Johns River Water Management District.
- (e) All existing nonconforming items may not be replaced or repaired beyond regular maintenance without first obtaining a right-of-way permit and paying any associated fees. Immediate removal will be required if nonconforming item(s) are causing damage to city property or infrastructure, impairing drainage, contributing to violation of the city's MS4 drainage permit or deemed as a safety hazard by the city.
- (f) The permittee adjacent property owner shall be responsible for all maintenance of items placed in the right-of-way and shall be responsible for any repairs or make payment to the city's sidewalk construction fund per Sec. 27-479(a), or payment in lieu of construction per Sec. 27-478 (f). The city will not replace or repair items placed in the right-of-way.
 - (1) The permittee shall also indemnify and save harmless the city and its successors and assigns from any claim, action, liability, loss, damage or suit arising from the following:
 - a. Any and all damage or maintenance to public and private property caused by the placement of permitted or unpermitted items in or on the city right-of-way.
 - (2) Where any claim is asserted, the city shall provide the permittee with reasonable and timely notice of same in writing. Thereafter, the permittee, at its own expense, shall defend, protect and save harmless the city against said claim or any loss or liability arising therefrom.
 - (3) Sidewalk laid in public rights-of-way must be ADA compliant for a minimum accessibility of five (5) feet wide. The city may set larger minimum requirements where applicable if the ROW has a multi-use path, also see Sec. 27-479. – Sidewalks and bikeways for additional requirements.

(g) All approved work as outlined by the right-of-way permit must be completed in six (6) months. After 6 months with an approved right-of-way permit, the adjacent property owner must re-apply for a new permit and pay any applicable fees.

- (h) (1) Any final decision by the city manager, or his designee, as to this section shall be appealable to the city's code enforcement special magistrate. A notice of appeal shall be filed with the city clerk within thirty (30) days of receipt of the city manager's final decision. If a notice of appeal is timely filed, the matter shall be placed on the next regularly scheduled agenda of the special magistrate. Further, any violation of this section or of a permit issued pursuant to this section shall be referred to the special magistrate as set forth in chapter 2 of this Code.
- (2) Should the appellant not prevail in the administrative appeal brought before the special magistrate, it shall bear the burden of the city's costs and fees associated with said appeal.

(Ord. No. 2005-22, § 1, 12-5-05; Ord. No. [2014-04](#), § 1, 5-5-14)

Sec. 18-5. - Abandoning or private use of public property or rights-of-way.

- (a) The permanent abandonment of public property or rights-of-way should not be authorized unless an overriding public interest is served by said abandonment and/or the city is compensated in some material way equivalent to the market value of said property at the time of abandonment. Public property or rights-of-way should only be abandoned to promote the public welfare and not for the benefit of a private person or corporation.
- (b) Therefore, legislation authorizing the abandonment, closure, or vacating of city property or rights-of-way shall require a super majority vote of the city council. Any change to the voting requirement of this section would require a super majority vote.
- (c) This section shall not apply to the leasing of public property or rights-of-way, nor to approvals by the city manager of residential driveway access to public streets.

(Ord. No. 2009-13, § 1, 12-7-09)

Sec. 18-6. - Pervious pavers required in the R-4 and Central Business Districts. town-center business area.

- (a) For purposes of this section, the "town-center business area" shall be considered to be that area of commercial property located in the City of Neptune Beach bordered by Atlantic Boulevard to the north, the Atlantic Ocean to the east, Third Street to the west, and Orange Street to the south.
- (ab) Any replacement of existing sidewalks, walkways, driveways, patios, dining areas, or creation of same on dedicated city right-of-way in the R-4 and Central Business Districts shall be constructed using pervious pavers as set forth in subsection 27-238(b).

(Ord. No. [2015-13](#), § 1, 10-5-15)

ARTICLE IV B. — LAND USES AND CANNABIS DISPENSING BUSINESSES

Sec. 27-245. — Purpose and intent.

The purpose of this article is to provide the City of Neptune Beach with the opportunity to review the impact of recent changes in law and the potential passage of a constitutional amendment, as well as the impact of cannabis dispensing in other jurisdictions, to determine how such dispensing should be permitted or regulated in the City of Neptune Beach.

(Ord. No. **2017-02**, § 1, 2-6-17)

Sec. 27-246. — Definitions.

(a) The following words and phrases, when used in this article, shall have the meanings ascribed to them in this article:

Cannabis means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Cannabis dispensing business or *business* shall mean a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law.

Compassionate Use Act shall mean F.S. § 381.986, and chapter 2016-123, Laws of Florida, as amended from time to time, and any rules or regulations promulgated thereunder.

State shall mean the State of Florida.

[move definitions to article I]

(b) In addition to the definitions contained in subsection (a), other terms used in this article shall have the meaning ascribed to them in the Compassionate Use Act, and such definitions are incorporated into this article by this reference.

(Ord. No. **2017-02**, § 1, 2-6-17)

Sec. 27-247. — Temporary moratorium.

Beginning on the effective date of this article, a temporary moratorium is hereby imposed on the opening of new cannabis dispensing businesses and on the expansion or relocation of existing cannabis dispensing businesses in the City of Neptune Beach.

This temporary moratorium shall expire on February 6, 2018, unless reduced or further extended by action of the city council.

(1) During the moratorium, it is unlawful and a violation of this article for any person or entity to open or cause to be opened any cannabis dispensing business within the City of Neptune Beach.

(2) During the moratorium, it is unlawful and a violation of this article for any person or entity to relocate or cause to be relocated any cannabis dispensing business within the City of Neptune Beach.

(3) During the moratorium, it is unlawful and a violation of this article for any person or entity to expand or cause to be expanded any cannabis dispensing business within the City of Neptune Beach.

(4) During the moratorium, the City of Neptune Beach shall not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a cannabis dispensing business.

~~(5) During the moratorium, the City of Neptune Beach shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a cannabis-dispensing business.~~

~~(6) During the moratorium, the City of Neptune Beach shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of cannabis so long as this article is in effect.~~

~~Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Compassionate Use Act or other applicable Florida law, or the delivery of cannabis in compliance with the Compassionate Use Act or other applicable Florida law.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

~~Sec. 27-248. Study and recommendations.~~

~~The City of Neptune Beach City Manager or designee is hereby directed to study land development regulations for cannabis dispensaries and the impact of such regulations in other jurisdictions.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

~~Sec. 27-249. Penalties.~~

~~Any person or entity who violates any provision of this article or who fails to comply therewith, or with any of the requirements thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) per violation, per day, or be imprisoned for a period of time not to exceed sixty (60) days.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

~~Sec. 27-250. Severability.~~

~~If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

~~Sec. 27-251. Repeal.~~

~~All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the city or any of its officials and in conflict with this article are hereby repealed to the extent inconsistent herewith.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

~~Sec. 27-252. Effective and termination date.~~

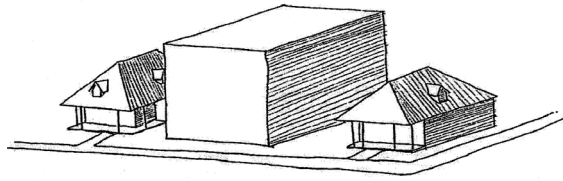
~~This article takes effect immediately upon adoption and expires on February 6, 2018, unless reduced or further extended by action of the city council.~~

~~(Ord. No. [2017-02](#), § 1, 2-6-17)~~

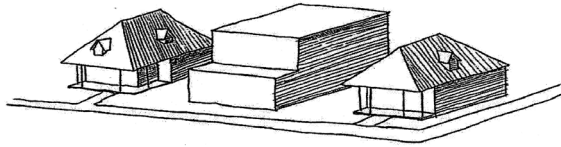
~~Secs. 27-253—27-320. Reserved.~~

Exhibits, Figures and Tables

~~The following pages contain graphic representation of the exhibits, figures and tables that are referred to throughout this article.~~



Discouraged



Preferred

Figure 27-222-1

[Figure 27-222-1 is being moved to section 27-222(b)(2)]

Preferred Buildings:

- Floor area ratios and site area relationships are consistent with surrounding neighborhood.
- Massing is interrupted by breaking up building planes and using architectural styles and elements suitable to the neighborhood.

Table 27-226-1—Table of Permissible Uses

Table 27-229-1

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (1)	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Building Height
R-1	12,000 square feet	100 feet	25 feet	10 feet	15 feet	30 feet	50 percent	28 feet(5)
R-2	10,000 square feet	85 feet	20 feet	10% of lot width and minimum of 7 feet	10 feet	25 feet	50 percent	28 feet
R-3	5,000 square feet	50 feet	15 feet	10% of lot width and minimum of 7 feet	10 feet	25 feet	50 percent	28 feet
R-4	4,356 square feet(3)	40 feet	Flexible (4)	7 feet	8 feet	Flexible (4)	50 percent	28 feet
R-5	2,562 square feet/dwelling unit (2)	Apartment Complexes: 200 feet. For Single Family Dwellings see (2)	30 feet	For Apartment Complexes: 25 feet. For Single Family Dwellings see (2)	For Apartment Complexes: 25 feet. For Single Family Dwellings see (2)	For Apartment Complexes: 30 feet. For Single Family Dwellings see (2)	For Apartment Complexes: 35 percent. For Single Family Dwellings see (2)	28 feet
C-1	7,500 square feet	60 feet	25 feet	10 feet	15 feet	10 feet	60 percent(6)	35 feet
C-2	10,000 square feet	80 feet	25 feet	15 feet	20 feet	15 feet	70 percent(6)	35 feet
C-3	15,000 square feet	100 feet	25 feet	20 feet	25 feet	20 feet	75 percent(6)	35 feet
CBD	None	None	None	5 feet	7 feet	5 feet	85 percent	35 feet

NOTES:

(1) More specific front yard setbacks shall apply in locating new structures around the following road segments: (See subsection 27-231(b).)

(2) For multifamily dwellings that are permitted in the R-5 zoning district, this requirement is the minimum square foot area that can meet the high density residential category specified in the comprehensive plan. This requirement is primarily designed for multifamily development such as apartment complexes. For single family dwellings, the zoning requirements of the R-4 zoning district for SFD will apply.

(3) For single family dwelling, four thousand three hundred fifty six (4,356) square feet are required, for a two family dwelling, eight thousand seven hundred twelve (8,712) square feet are required (per city attorney's legal opinion). This requirement insures that the medium density residential category specified by the comprehensive plan can be met.

(4) The front and rear yard setbacks may be flexible in that both measurements must total thirty five (35) feet; however neither can measure less than the fifteen (15) feet.

(5) For lots in the R-1 zoning district that have a minimum lot size of twelve thousand (12,000) square feet and one hundred (100) feet lot width as measured at the building line parallel to the front face of the house and perpendicular to the primary side yard, thirty five (35) feet of maximum building height will be permitted, so long as the primary roof structure is built at a minimum five twelfths roof pitch, and not to exceed two (2) stories of living area.

(6) No retail store, wholesale warehouse, nor any freestanding building for any permitted use shall exceed sixty thousand (60,000) square feet in total gross floor area, as defined in section 27-15 of this Code. Shopping centers may be constructed so long as no single unit within such center exceeds this sixty thousand (60,000) square foot limit. Furthermore, any retail stores, wholesale warehouses, or other freestanding buildings for any permitted use located within one thousand (1,000) linear feet of each other that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate.

(Ord. No. 2006-08, § 3, 6-5-06; Ord. No. 2006-13, § 4, 7-10-06; Ord. No. 2007-21, § 1, 2-4-07; Ord. No. 2007-03, § 1, 4-2-07; Ord. No. 2007-06, § 1, 2-4-07)

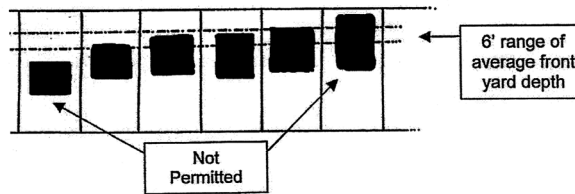


Figure 27-231-1

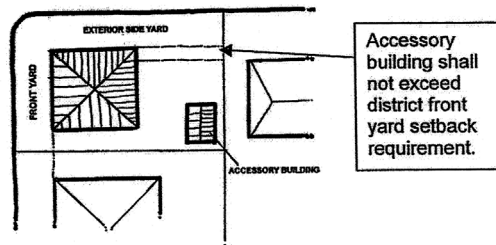


Figure 27-231-2

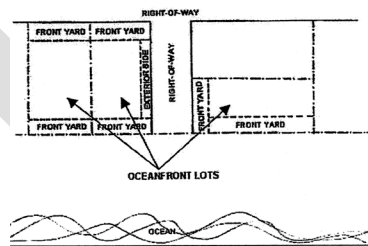


Figure 27-231-3

[Figure 27-231-3 is being moved to section 27-222(c)(4)]

ARTICLE IX. - TREE PROTECTION AND LANDSCAPING^[14]

Sec. 27-441. - Reserved.

Sec. 27-442. - Purpose and intent.

The purpose of this article is to preserve and protect trees within the city; to provide minimum landscaping criteria; to ensure preservation of the existing native landscape; and to ensure quality landscape design, installation, and maintenance of new landscaping that will enhance the city's natural landscape. To this end, the subsequent sections are provided to achieve the following goals:

- (1) Improve the appearance of commercial, governmental, industrial and residential areas through incorporation of landscaping into development in ways that harmonize and enhance the natural and manmade environment;
- (2) Preserve existing natural trees and vegetation. Discourage removal of any healthy, noninvasive trees and clear-cutting of wooded land;
- (3) Incorporate native plants, plant communities and ecosystems into landscape design where possible;
- (4) Maintain the existing natural character of the city through preservation of existing trees and vegetation;
- (5) Balance the existing landscape with new landscape additions that are complementary;
- (6) Provide landscape buffers to enhance transportation corridors, abate noise, minimize adverse impacts of adjacent differing land uses, and reduce surface heat of impervious surfaces;
- (7) Promote water and energy conservation through Xeriscape principles;
- (8) Reduce maintenance costs through preservation of existing landscape, and through appropriate and proper use of plant materials; and
- (9) Promote and support city-wide tree planting to enhance the city's designation as a Tree City U.S.A by upholding the program's four (4) overachieving standards:
 - Maintaining a tree board or department
 - Having a community tree ordinance
 - Spending at least \$2 per capita on urban forestry
 - Celebrating Arbor Day.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-443. - Applicability.

The terms and provisions of this article shall apply to all land uses within the city. Special provisions for single-family or two-family (duplex) lots or any lot greater than two (2) acres in single family use are addressed in section 27-459-457 of this article.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-444. - Definitions.

Refer to article I for definitions.

Caliper shall mean a measurement of the size of a replacement tree at a predetermined point. Trunk diameter for trees up to four (4) inches is to be measured six (6) inches above the soil line.

Trees four (4) inches in diameter and greater will be measured twelve (12) inches above the soil line.

Defects (Tree) shall mean deficiencies in the integrity of a tree caused by either: 1) Injury or disease that seriously weakens the stems, roots, or branches of trees, predisposing them to fail; or 2) Structural problems arising from poor tree architecture, including V-shaped crotches in stems and branches that lead to weak unions, shallow rooting habits, inherently brittle wood, etc.

Failure (Tree) shall mean is the breakage of stem, branches, roots, or loss of mechanical support in the root system.

Hazard Tree shall mean a tree that has structural defects in the roots, stem, or branches that may cause the tree or tree part(s) to fail, and where such failures have been demonstrated to pose a moderate, high, or extreme level of risk to property damage or personal injury, as defined in the ISA Best Management Practices - Tree Risk Assessment.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-445. - Permit required for tree removal or relocation.

No person shall directly or indirectly cut down, destroy, remove, or move, or effectively destroy through damaging, or authorize the cutting down, destroying, removing, moving, or damaging of any and all living trees greater than six (6) inches or more in caliper or two (2) feet in circumference, whichever dimension is lesser, at a point four and one-half (4½) feet above ground level, without an arbor permit Tree Permit. Trees which require such permit for removal or relocation shall hereinafter be called "regulated trees."

(1) Exceptions are as follows:

- a. No heritage or champion tree as defined in this article may be removed or relocated except as noted in section 27-448.
- b. Hazard trees which have been identified by an ISA certified arborist or Florida licensed landscape architect with up-to-date Tree Risk Assessment Qualification and which have been inspected and documented per ISA standards which cause, or that can be demonstrated by competent evidence will in the near future cause, structural damage from roots, absorption of large amounts of water causing soil expansion and contraction, or of a potential damage to life and property or other structural problems to buildings or underground facilities, may be removed, relocated, or replaced, trimmed, or pruned, without a Tree Permit or replacement trees. Removal or replacement shall only be permitted in this instance if the risk assessment documentation does not indicate any other practical mitigation alternatives, such as pruning, topping, bracing, or removal of the target, with the approval of the appropriate board for projects requiring board approval, or the city manager or designee for other projects. Such trees shall require an arbor permit and ~~t~~ The city manager or designee shall review all risk assessment documentation to verify the conditions for removal prior to any action. issuance of the arbor permit Tree Permit.
- c. Removal or relocation of regulated trees subject to development plan approval. ~~A shall not require a separate arbor permit Tree Permit will not be required in conjunction with the developments requiring development plan approval.~~ Plans for tree removal or relocation will be considered and either approved or denied as part of the development review process. After a certificate of occupancy has been issued for a development, any tree removal shall require either an arbor permit Tree Permit or an approved plan amendment. Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measures in section 27-455452.
- d. Any tree that poses a danger to life safety, city infrastructure, or property, as verified by an ISA certified arborist or Florida licensed landscape architect with up-to-date Tree Risk Assessment Qualification, may be removed by order of the city manager or designee.

- e. Any tree in the opinion of the city manager that poses a life safety threat may be taken down upon written approval of the city manager.
 - f. Palm trees of all species are not considered regulated trees by this article and no arbor permit is needed for their removal from private property.
 - e. Any tree species identified by an ISA certified arborist or Florida licensed landscape architect as a Category I or Category II invasive by the Florida Exotic Pest Plant Council shall be identified and removed from the property. No Tree Permit or replacement trees are needed for their removal.
 - f. Replacement trees from the city's tree list, located in section 27-450 shall be required for any trees removed per section 27-447
- (2) Removal of trees located in a buildable area, or yard area, or street right-of-way where a structure or improvement is to be placed and for which a Tree Permit application has been filed may be approved by the city manager or designee, when so long as it has been demonstrated by the property owner that the tree or trees unreasonably restricts the permitted use of the property and that no other building footprint and/or site configurations are possible without removal of said trees, may be approved by the city manager or designee. Trees located in the front yard setback shall not be considered to be located within the buildable area or yard. Ingress and egress to the garages are not considered the buildable area or yard. Trees on the public right-of-way shall not be considered for removal as a result of restrictions to ingress or egress to garages or parking on the site, except if demonstrated that there is no other reasonable access to and from the property from the public right-of-way. An application for arbor permit a Tree Permit must be filed, per the requirements of section 27-452446. Replacement trees may be required for any trees removed.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-19, § 1, 1-3-05; Ord. No. 2006-02, § 1, 3-6-06; Ord. No. 2006-12, § 1, 7-10-06)

Sec. 27-446. - Permit application procedures.

The following procedures shall be followed and shall govern the granting of arbor permits Tree 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 (1) such tree shall be planted for every one hundred fifty (150) linear feet of street right-of-way. Where property on one (1) 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 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 community development board, and approval of the site plan shall constitute approval to issue the arbor permit.

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

be. For pruning of eight-six-inch or larger diameter limbs on regulated trees, an arbor permit Tree 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 Tree Permit to alter, remove, relocate, or replace trees covered herein shall be accompanied by a written statement indicating the reasons for the requested action, at least one (1) photograph for each tree designated for removal showing its current overall condition, and two (2) copies of a legible site plan drawn to the largest practical scale indicating the following:

a. Location, species and size of all existing regulated trees on the site, assigned with a unique identification number, and a proposed outcome (e.g.: donated, retained, removed, or relocated) that are being proposed for removal.

b. Trees designated for on-site relocation shall clearly illustrate both the existing and proposed locations and shall identify likely means of access and method of relocation.

c. Champion and heritage trees, as defined in section 27-448, shall be identified as such on all submittals and any associated removal or replacement calculations shall be separate from all other trees and considered on a tree-by-tree basis. Size of tree shall be measured per section 27-445.

bd. 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.

e. Location and dimension of all required landscape buffers or screening areas.

ef. Proposed changes, if any, in site elevations, grades and major contours.

eg. Location of existing or proposed utility service.

eh. Applications involving developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures and vegetation.

fi. For trees that are to be saved or retained, each application should contain the extents of all tree protection boundaries on site per section 27-449 and a statement of how these tree areas are to be protected during construction and landscape operations.

gk. A statement that identifies replacement trees for any trees removed. Each Any regulated tree being removed that requires a Tree Permit, per section 27-445, shall be replaced with two (2) replacement trees per the requirements of section 27-447.

hk. Application review and permit issue. Upon receipt of proper application, the city manager or designee shall review the application, and may request more documentation before making a determination to either grant or deny approve, approve with conditions, or deny the permit within ten five (105) 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; Ord. No. 2010-14, § 41, 9-7-10)

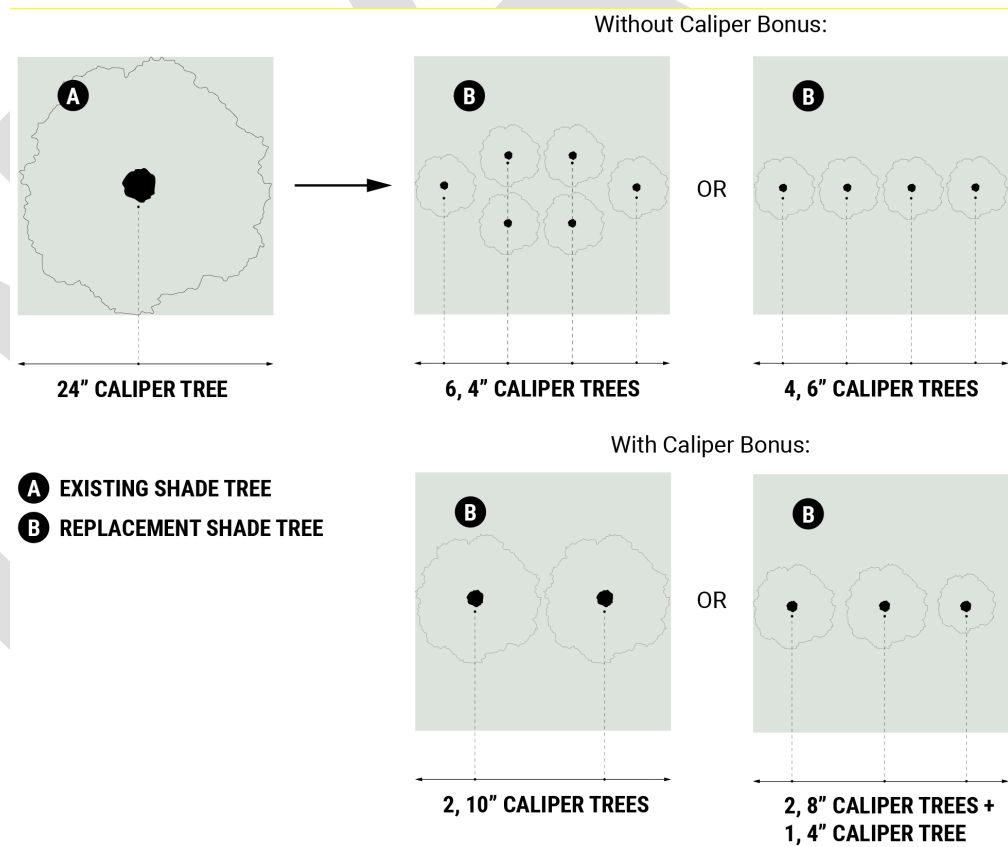
Sec. 27-447. - Standards for relocation or replacement replacement or relocation

(a) Relocation or replacement Replacement or relocation.

(1) **Replacement.** In all cases wherein this Code shall require replacement of any tree removed, the replacement shall be made as defined in this section. In determining the required replacement of trees, the city manager or designee shall consider the intended use of the property, with an evaluation of the following:

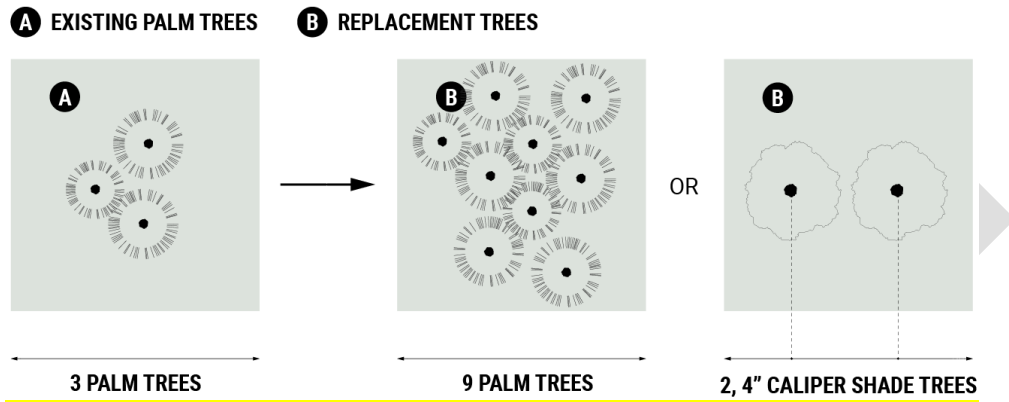
- a. **Size.** Replacement trees shall be a minimum of four (4) inch caliper with a height of at least ten (10) feet for shade trees, or eight (8) feet for ornamental and understory trees. All replacement trees shall be Florida Nursery Grade Number 1 or better. The property owner shall guarantee survival of replacement trees for one (1) year from the date of planting, barring any force majeure events.
- b. **Caliper Bonus.** The use of larger diameter trees to accommodate the required replacement is strongly encouraged. Each additional inch of size provided, including and above eight (8) inch caliper shall be counted with a two (2) inch bonus (e.g.: a ten (10) inch caliper replacement tree may be counted as a twelve (12) inch caliper replacement tree). The caliper bonus shall not apply to the replacement of heritage or champion trees.
- b. **Shade trees,** as defined by the city's approved tree list located in section 27-540, which are designated for removal, shall be replaced As a condition of the granting of a permit, the applicant will be required to relocate or replace any regulated trees being removed with suitable replacement trees, on an inch-for-inch (1:1) diameter basis at the time of maturity, with one or more trees from the same shade tree portion of the city's tree list. The sum total of the calipers of the replacement trees must equal or surpass that of the removed tree or trees (e.g.: a twenty-four (24) inch caliper oak designated for removal may be replaced by six (6), four (4) inch caliper shade trees or four (4), six (6) inch caliper shade trees – or – utilizing the caliper bonus defined in this section, two (2), ten (10) inch caliper shade trees or two (1), eight (8) inch caliper and one (1), four (4) inch caliper shade trees). Caliper measurement shall be rounded up to the nearest inch.

Figure 27-447-1



c. *Palm trees* of any species designated for removal may be replaced on a one-to-three (1:3) basis with palm species from the city's approved tree list located in section 27-450 (e.g.: three (3) palms designated for removal shall be replaced by a minimum of 9 palm trees). Palm trees designated for removal may also be replaced on a two-to-one (2:1) basis, rounding up to the next even number, with tree species from the shade tree portion of the city's approved tree list (e.g.: five (5) palm trees designated for removal shall be rounded to six (6), requiring a minimum of three (3), four (4) inch caliper shade trees as replacement – or – utilizing the caliper bonus defined in this section, one (1), ten (10) inch caliper shade tree).

Figure 27-447-2



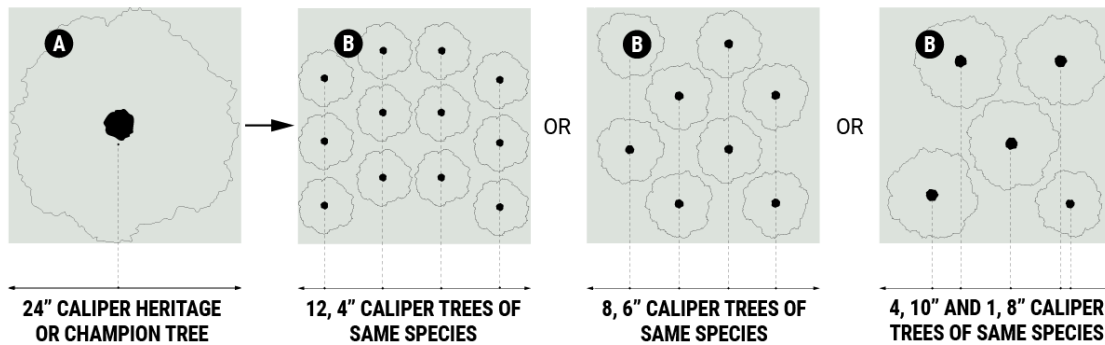
d. *Understory and ornamental trees*, as defined by the city's approved tree list, located in section 27-450, designated for removal, shall be replaced on an inch-to-inch (1:1) diameter basis, or equivalent measure, with tree species from the shade tree or understory and ornamental tree portions of the city's tree list. As with shade tree replacement (see figure 27-447-1), the sum total of the calipers of the replacement trees must equal or surpass that of the removed understory / ornamental tree or trees (e.g.: a twelve (12) inch caliper ornamental tree designated for removal shall require a minimum of three (3), four (4) inch caliper trees or two (2), six (6) inch caliper trees as replacement – or – utilizing the caliper bonus defined in this section, one (1), ten (10) inch caliper tree). Caliper measurement shall be rounded up to the nearest inch.

e. *Heritage or champion trees*, as defined in section 27-448, designated for removal shall be replaced on a one-for-two inch (1:2) diameter basis, with a tree or trees of the same species. The sum total of the calipers of the replacement trees must at least double that of the removed heritage or champion tree (e.g.: a twenty-four (24) inch caliper bald cypress designated for removal shall require replacement bald cypress trees of a combined forty-eight (48) inch caliper, such as twelve (12), four (4) inch caliper trees; eight (8), six (6) inch caliper trees; six (6), eight (8) inch caliper trees; or four (4), twelve (12) inch caliper trees). Caliper measurement shall be rounded up to the nearest inch. The caliper bonus may not be used for the replacement of heritage or champion trees. Replacement trees shall be a minimum of four-inch caliper and the use of larger caliper trees to accommodate the required replacement is strongly encouraged.

Figure 27-447-3

A EXISTING CHAMPION/HERITAGE TREES

B REPLACEMENT TREES OF SAME SPECIES



f. Trees shall be selected from the city's tree list, located in section 27-450, and shall reach comparable size at maturity as the tree(s) being removed.

f. Replacement may not No replacement will be required for diseased trees being removed. In determining the required relocation or replacement of trees, the city manager or designee shall consider the intended use of the property, with an evaluation of the following: Documentation of diseased trees shall accommodate all submittals as described in section 27-446.

gf. *Maintenance of replacement trees.* Replacement trees shall be maintained through appropriate watering, nutrients, and pruning to guarantee their survival and growth. The city manager or designee shall require any replacement trees that die within two-five (25) years of planting shall be replaced to meet the original requirements.

(1) Existing tree coverage.

(3) Number of trees to be removed on the entire property.

(3) Area to be covered with structures, parking and driveways.

(4) Topography and drainage of the site and its environs.

(5) Character of the site and its environs.

(6) Ecology of the site.

(7) Characteristics and quantity of shrubs, grass, and trees proposed for planting on the site by the applicant.

(2) **Relocation.** Trees relocated within the site, shall be placed as close as possible to the original tree location, and shall not be relocated to interfere with the root systems or canopy of any champion or heritage tree. The relocation of palm trees into clusters of the same species is encouraged. All relocated trees shall be warranted for a period of five (5) years and kept in good health. Replacement of relocated trees, should they not survive the warranty period, shall be replaced at a one-to-one (1:1) ratio.

(b) **Alternatives to on-site replacement.** If upon evaluation of these conditions, it is determined by the city manager or his designee that the applicant's site may not best be suited for the location of some or all of the required replacement trees, the city manager may allow the applicant to donate the required trees to the city for use in appropriate public areas, such as schools, parks, recreation areas, or rights-of-way. In these cases, the city will assume responsibility for the planting and management of said trees. Such decisions shall be made on a case-by-case basis when appropriate, contribute to the city's tree fund per section 27-458.

(c) **Off-site tree replacement locations.** Staff will evaluate locations for tree replacement out of the tree fund, section 27-458, based on location and type of tree to be planted.

(c) *Maintenance of replacement trees.* Replacement trees shall be maintained through appropriate water, nutrients and pruning to guarantee their survival and growth. The city manager or designee

shall require any replacement trees that die within two (2) years of planting shall be replaced to meet the original requirements.

(d) **Credit for existing trees.** Existing vegetation may be credited for landscape materials required by this section. Such vegetation shall meet the minimum specifications for new landscape material and be located within the area for which credit is requested.

(1) Credit for trees shall be granted at an inch-for-inch basis. No credit shall be granted where existing vegetation does not satisfy screening purposes, serve necessary functions or meet minimum planting standards, as defined in this Code.

(2) The city may grant credit for existing trees which are defined as heritage or champion trees in this Code at a two-inch for one-inch (2:1) basis. This provision shall be reviewed on a case-by-case basis depending on surrounding existing vegetation, and the age, health, type, size and location of the specimen tree. If the tree dies, the developer or property owner shall be required to install a replacement tree as required in this section.

(Ord. No. 2004-10, § 1, 10-4-04)

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.* The following species are heritage trees:

- (1) Bald cypress (*Taxodium distichum*) twenty (20) inches in diameter or greater.
- (2) Cedar (*Juniperus silicicola*) (Southern red cedar), *J. virginiana* (Eastern red cedar) twenty (20) inches in diameter or greater.
- (3) Elm (*Ulmus alata*) (winged elm), *Ulmus american floridana* (Florida elm) thirty (30) inches in diameter or greater.
- (4) 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.
- (5) Hickory (*Carya illinoensis*) (pecan), *C. tomentosa* (mockernut), *C. glabra* (pignut hickory) thirty (30) inches in diameter or greater.
- (6) Loblolly bay (*Gordonia lasianthus*) twenty (20) inches in diameter or greater.
- (7) Magnolia (*Magnolia grandiflora*) (Southern magnolia), *Magnolia virginiana* (sweetbay magnolia) twenty (20) inches in diameter or greater.
- (8) Maples (*Acer rubrum*) (red maple), *A. barbatum* (Florida maple) twenty (20) inches in diameter or greater.
- (9) Tupelo (*Nyssa sylvatica*) thirty (30) inches in diameter or greater.
- (10) 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) Prior to removal of any tree, the owner shall give the City first right of refusal to relocate any/all heritage or champion trees, otherwise designated for removal by the applicant.

(de) 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-Tree Permit, will require replacement on an two inch-for-one inch (2:1) 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.

- (ef) The removal, relocation or replacement of any champion or heritage trees shall be by community development board-community design 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; Ord. No. 2010-14, § 42, 9-7-10)

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

- (a) *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.
- (b) *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.
- (c) *Encroachment prevention.* 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 (2) inches by four (4) inches or larger wooden posts, two (2) 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 (3) feet of the post visible above the ground.
- (d) *Drip line.* Barriers shall be placed at the drip line, though never less than ten (10) feet from the trunk of a protected tree unless approved by an arborist and the city manager or designee, for all trees determined to remain and for relocated trees, both before and after relocation, for regulated pine and palm trees; and at a minimum of two-thirds of the area of the drip line for all other regulated species. Barriers for champion and heritage trees shall extend to one-and-a-half times (1.5x) the extents of the drip line.
- (1) 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.
 - (2) 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 (1) inch in diameter are damaged or exposed, they shall be cut cleanly and recovered with soil.
 - (3) 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.
 - (4) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two (2) inches unless specifically approved otherwise by the city manager or designee, the community development board the city council as applicable.
 - (5) 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.
 - (6) The standards established in the *American National Standard for Tree Care Operations (ANSI A300)*, Part 5 – ‘Management of Trees and Shrubs During Site Planning, Site Development, and Construction,’ as published by the Tree Care Industry Association, “Tree Protection Manual for Builders and Developers,” as published by the Florida 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 shall be used as guidelines for tree protection, planting, pruning and care.

- (7) Attachments to trees prohibited. No attachments or wires other than those of a protective and nondamaging nature shall be attached to any tree.
- (8) Any/all measures shall be taken to avoid soil compaction impacting protected trees for the duration of construction. In cases where the temporary removal of a barrier may be necessary, a sufficient layer of mulch or similar materials shall be placed so as to prevent soil compaction.
- (89) 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; Ord. No. 2010-14, § 43, 9-7-10)

Sec. 27-450. - Replacement stock-Approved tree list.

- (a) In all cases wherein this Code shall require replacement of any tree removed, the replacement shall be made with "replacement stock" as defined in this section. "Replacement stock" is hereby defined as any tree contained on the city tree list, having a height of at least ten (10) feet, with a minimum caliper of four (4) inches for shade trees, or eight (8) feet in height, with a minimum caliper of one (1) inch for ornamental or understory trees, and Florida Nursery Grade of Number 1 or better. Survival of replacement stock will be guaranteed until said replacement stock shall meet the definition of a tree as defined in article I of this Code.
- (ba) City tree list: Replacement trees, as required per section 27-447 -shall be selected from the following list. This list was generated based on species hardiness, disease- and pest-resistance, availability and size variance. It is not the intent to unreasonably limit the selection of replacements. Therefore, replacement trees not included on the city's tree list but suggested by the applicant may be considered, and approved or denied, during the arbor permit-Tree Permit application process.

Table 27-449.1 - City Of Neptune Beach Approved Tree List

SHADE TREES	
Common Name	Botanical Name
Ash, Green	Fraxinus pennsylvanica
Ash, Water	Fraxinus caroliniana
Bay	Persea spp.
Birch River	Betula nigra
Bay, Loblolly	Gordonia lasianthus
Cedar Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Cypress, Leyland	Cyprinoscypris leylandii
Cypress, Pond	Taxodium ascendens
Dogwood Flowering	Cornus Florida
Eastern Redbud	Cercis canadensis
Elm, American-Florida	Ulmus americana
Elm, Chinese	Ulmus parvifolia
Fringetree	Chionanthus virginicus
Golden Rain Tree	Koelreuteria elegans
Gumbo-Limbo	Bursera simaruba

Hickory, Pecan	<i>Carya</i> spp
Hickory, Pignut	<i>Carya glabra</i>
Hickory, Water	<i>Carya aquatica</i>
Holly	<i>Ilex opaca</i>
Holly, Yaupon	<i>Ilex vomitoria</i>
Loquat, Japanese Plum	<i>Eriobotrya japonica</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Florida	<i>Acer saccharum</i> subsp. <i>floridanum</i>
Maple, Silver	<i>Acer saccharinum</i>
Oak, Laurel	<i>Quercus laurifolia</i>
Oak, Live	<i>Quercus virginiana</i>
Oak, Pin	<i>Quercus palustris</i>
Oak, Shumard Red	<i>Quercus shumardii</i>
Oak, Turkey	<i>Quercus laevis</i>
Oak, Water	<i>Quercus nigra</i>
Oak, Willow	<i>Quercus phellos</i>
Pine, Loblolly	<i>Pinus taeda</i>
Pine, Long-leaf	<i>Pinus palustris</i>
Pine, Pond	<i>Pinus serotina</i>
Pine, Slash	<i>Pinus elliottii</i>
Pine, Sand	<i>Pinus clausa</i>
Sugarberry	<i>Celtis laevigata</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sparkleberry	<i>Vaccinium arboreum</i>
Sycamore	<i>Platanus occidentalis</i>

PALM TREES	
Common Name	Botanical Name
Palm, Cabbage	<i>Sabal palmetto</i>
Palm, Canary Island Date	<i>Phoenix canariensis</i>
Palm, European Fan	<i>Chamerops humilis</i>
Palm, Pindo	<i>Butia capitata</i>
Palm, Washington	<i>Washingtonia robusta</i>
Palm, Windmill	<i>Trachycarpus fortunei</i>

UNDERSTORY OR ORNAMENTAL TREES	
Common Name	Botanical Name
Cedar, Red	Juniperus virginiana
Crape Myrtle	Lagerstroemia indica
Elm, Winged	Ulmus alata
Flatwoods Plum	Prunus umbellata
Hickory, Pecan	Carya spp.
Holly, American	Ilex opaca
Holly, Dahoon	Ilex cassine
Holly, East Palatka	Ilex attenuata
Holly, Yaupon	Ilex vomitoria
Jerusalem Thorn	Parkinsonia aculeata
Loquat, Japanese Plum	Eriobotrya japonica
Oak, Myrtle	Quercus myrtifolia
Oak, Sand Live	Quercus geminata
Oleander	Nerium oleander
Olive	Olea europaea
Pawpaw	Asimina spp.
Podocarpus, Yew	Podocarpus macrophyllus
Privet, Glossy	Ligustrum lucidum
Privet, Japanese	Ligustrum japonicum
Redbud	Cercis canadensis
Wax Myrtle	Myrica cerifera

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-451. - Regulations pertaining to utility companies.

- (a) In the event any electric, water, telephone, or other public utility firm or corporation plans to extend, maintain, or relocate service such that any tree on any unimproved lot or tract will be removed, said utility shall make application for an arbor permit Tree Permit as described in section 27-446. Any public utility wishing to prune trees on a right-of-way shall notify the city manager in writing one (1) week in advance of the time and place these pruning activities will take place. The city manager or designee shall supervise these activities as necessary and shall have the authority to regulate or halt such pruning when these actions are deemed detrimental to the trees or beyond that needed to insure continued utility service.
- (b) A utility company shall not remove or alter any trees at a distance greater than five (5) feet from the utility pole, structure or conductor within the city without a permit having first been obtained.
- (c) The city shall observe the requirements of this section.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-452. - Unauthorized removal of or damage to regulated trees.

- (a) If a regulated tree, to include heritage or champion trees as defined in section 27-448, is removed without permit, or is altered or damaged such that the likelihood for disease or premature death is increased, the tree removal contractor and/or property owner shall pay a fine of twice the tree fund fee, as established in section 27-458, one hundred dollars (\$100.00) per diameter inch of the trunk, measured at four and one-half (4½) feet above the ground. In the event that a tree has been completely removed from the site, the measurement will be taken as the diameter of the remaining stump. In the event that no portion of a stump remains, documents such as a tree survey, building plans, etc. may be used to determine the size of the regulated tree removed. All violations of section 27-452 shall be referred to the code enforcement board for disposition.
- (b) Clear-cutting of land is prohibited. If any parcel of land is clear cut without a tree removal permit, the tree removal contractor and/or property owner shall be subject to enforcement in accordance with article VII of chapter 2 of this code and fined a minimum of \$5,000, one dollar (\$1.00) per square foot of the parcel area. The parcel area shall be calculated by total land area under single ownership, whether one (1) parcel or multiple, contiguous parcels.
- (c) All fines imposed through the code enforcement process in article VII of chapter 2 by the code enforcement board for unauthorized removal or damage of regulated trees shall be paid to the City of Neptune Beach.

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

Sec. 27-453. - Procedure for appeal.

- (a) Any denial of an ~~arbor permit~~ Tree Permit by the city staff of this article may be appealed within thirty (30) days of said decision to the community development board for final disposition as specified in section 27-133. The community development board through competent testimony may, in their discretion, affirm, overturn, or modify any decision made in the administration of this article.
- (b) Appeals of the enforcement of this article ~~by the code enforcement board~~ shall be made as provided for in section 27-445.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 5, 3-6-06; Ord. No. 2010-14, § 44, 9-7-10)

Sec. 27-454. - Violation; denial of permits, certificates.

No building permits shall be issued on lands where violations of this article are determined to exist, including payment of all fines levied for violations, or appropriate remedial action as agreed to by the city manager or designee and completed by the owner of the land. A certificate of occupancy shall not be issued for any construction until all applicable remedies have been accomplished.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-455. - Minimum landscape requirements.

- (a) Requirements of these sections do not exempt property owners from compliance with any other section of this article.
- (b) *Minimum percentage of developed area devoted to landscaping.* Property shall be designed, constructed and used so that the total of the areas devoted to landscape materials of any site is at least twenty (20) percent of the gross area of each parcel.
- (c) For property within the central business district, all portions of a site that are not otherwise covered by structures or pavement shall be landscaped. Because the landscaped areas are minimal within the CBD, the use of more dense plant materials is required. Landscape materials for sites within the CBD shall include trees, shrubs, vines and groundcovers. Therefore, sod shall not be used as a landscape material in the CBD.

- (d) Landscape and/or planting plans for all nonresidential developments shall be prepared by a landscape architect registered in the State of Florida.
- (e) *Minimum requirements for landscaped areas.* All development except individual, single-family and two-family (duplex) residential lots shall meet the requirements of these sections. See section 27-457.8 for specific requirements for individual, single-family and duplex residential lots. However, all other development shall comply with the following:
- (1) An automatic irrigation system shall be supplied for all newly landscaped areas. System shall include a pressure vacuum breaker-type backflow preventer, rain sensor, electric timer and valves, and sprinkler heads, and all pipe and materials necessary for a fully functioning system. The design of the irrigation system shall promote water conservation through methods such as efficient zoning of heads and/or micro-irrigation. The irrigation system shall be designed and located to minimize the watering of impervious surfaces. Irrigation shall not be required for existing natural vegetation areas.
 - (2) Plants shall be sized such that, within three (3) years of the time of planting, at least half of the required landscaped development shall be devoted to living plants. Remaining landscape areas shall be mulched with organic materials.
 - (3) When a landscaped area is adjacent to or within a vehicular use area, curbing shall be used to protect landscaped areas from encroachment. Parking spaces shall be designed to provide pervious surface for the vehicle overhang area.
 - (4) Shrubs and trees shall be placed away from the wheel stop, so that they will not be encroached upon by vehicles. In lieu of curbing, the alternative means of preventing encroachment shall be shown on the site plan.
 - (5) All required trees shall be selected from the shade tree section of the city tree list in section 27-450. In order to encourage plant diversity, no more than fifty (50) percent of the selected trees for one (1) plan shall be from the same genus.
 - (6) Any landscaped area adjacent to an intersection or driveway shall conform to the requirements for the vision triangle, as defined in article I.
 - (7) *Where gravel is used as landscaping groundcover, a concrete, stone paver, or similar barrier must be used to contain the gravel and keep it from entering streets, drains, culverts, and any other transportation and stormwater system.*
- (f) *Ocean-front lots.* Oceanfront lots of any type shall be landscaped with salt-tolerant plant material only.
- (g) Exemptions.
- (1) All parking garages shall be exempt from this section, pertaining to landscaping requirements for vehicular use areas; however, vehicles shall be screened from adjacent properties and public rights-of-way through the use of opaque materials at ground level.
 - (2) Parking lots under lease. The area of any lot under lease which contains required parking spaces for any use shall comply with the provisions of this section as a precondition to the issuance of any development order issued in connection with such lot for such use.
- (h) Minimum submittal criteria.
- (1) All planting plans shall be drawn to scale and have a north arrow, and shall accurately depict all buildings, pavement, on-site facilities, utilities and lighting systems. The landscape drawing or accompanying development plan must give the permitted use of adjacent parcels and the total square footage of all pavement on-site.
 - (2) *A plant schedule shall be provided showing the botanical name, size, spacing and number of all required plant materials. During construction, any tree or shrub may be substituted for the identified plant, provided that the shrub is adaptable to the amount of sun/shade, wet/dry and size conditions where it will be planted, and insofar as the provisions for diversity described in this article and all required tree replacement calculations are met. The use of additional plant material beyond the minimum required is strongly encouraged. However, plant materials shown*

that are additional to the required materials shall not be subject to inspection, and should be identified on the planting plans as "supplementary."

(3) A tree table shall be provided showing the calculated requirements for trees to be planted, including all information as required for submittals per section 27-446.

- (i) *Design principles and standards.* All landscaped areas required by this article shall conform to the following general guidelines:
- (1) The preservation of native trees and shrubs is strongly encouraged to maintain healthy, varied and energy-efficient vegetation throughout the city, and to maintain habitat for native wildlife species.
 - (2) The planting plans should integrate the elements of the proposed development with existing topography, hydrology and soils in order to prevent adverse impacts such as sedimentation of surface waters, erosion and dust.
 - (3) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the planting plan. The landscaped areas should be integrated, to promote the continuity of on-site and off-site open space and greenway systems, and to enhance environmental features.
 - (4) The selection and placement of landscaping materials should maximize the conservation of energy through shading of buildings, streets, pedestrian ways, bikeways and parking areas. The use of wind for ventilation and the effect on existing or future solar access shall be considered.
 - (5) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plant at maturity, and the design should use short-term and long-term elements to satisfy the general design principles of this section over time.
 - (6) The natural and visual environment should be enhanced through the use of materials which achieve a variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
 - (7) The placement of trees around buildings should permit access to the building by emergency vehicles.
- (j) The installation of invasive nonnative category 1 and category 2 species as defined by the Florida Department of Agriculture and Consumer Services (FDACS) and Florida Exotic Pest Plan Council (FLEPPC) is prohibited.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-02, § 6, 3-6-06; Ord. No. 2011-19, § 1, 10-10-11)

Sec. 27-456. Credit for existing vegetation.

- (a) Existing vegetation may be credited for landscape materials required by this section. Such vegetation shall meet the minimum specifications for new landscape material and be located within the area for which credit is requested. Credit for trees shall only be granted when trees would have been required within a twenty-foot radius of any existing shade tree or understory tree, excluding planting requirements for vehicular use areas. No credit shall be granted where existing vegetation does not satisfy screening purposes, serve necessary functions or meet minimum planting standards, as defined in this Code.
- (b) The city may grant additional credit for existing trees which are defined as heritage or champion trees in this Code. Such credit shall generally be given against requirements for additional landscape material within the general vicinity (i.e., parking island) of the specimen tree. This provision shall be reviewed on a case-by-case basis depending on surrounding existing vegetation, and the age, health, type, size and location of the specimen tree. Where credit has been given, the developer or property owner shall note on the landscape plan the landscape materials which would have been required if the tree did not exist. If the tree dies, the developer or property owner shall be required to install the materials described in the note.

[moved to Section 27-447]

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-457456. - Landscaping requirements for vehicular use areas buffers.

(a) *Generally.* This section provides two (2) landscaping methods which are intended to set minimum requirements for the landscaping of vehicular use areas and certain perimeter areas abutting public rights-of-way within commercial zoning districts and between zoning classifications. Vehicular use areas and retention ponds may not be located within landscape buffers, though swales may be permitted within landscape buffers on a case-by-case basis. Method 1 addresses shading by specifying landscape placement throughout and around the vehicular use area. These requirements are illustrated in figures 27-456-1 and 27-456-2 and are described herein as follows: Method 2 provides flexibility in the design of vehicular use area landscaping in order to accommodate unique site considerations.

(b) Method 1 prescriptive landscape requirement.

(4b) *Perimeter requirements-Size.* Measurement of all landscape buffers shall be from the property line and shall extend along the entire length of the property line abutting the right-of-way.

- a1. All Vehicular use areas shall be separated by a perimeter landscaped area buffer area, a minimum of nine ten (910) 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. Vehicular use areas abutting residential-zoned property shall be separated by a landscape buffer area of fifteen (15) feet in width.

(c) *Intrusions.* Landscape buffer areas may only be altered or intruded upon for the following purposes and any such alterations or intrusions shall be in compliance with an approved development site plan:

1. Ingress and egress to vehicular use areas, drive aisles, and loading areas, per lot standards and allowable curb cuts defined in section 27-235 and 27-243;
2. Pedestrian walkways or access to buildings and structures as necessary;
3. Bicycle and/or other transportation infrastructure;
4. Installation of stormwater, drainage, or utility improvements as necessary;
5. Grading or retention as necessary;
6. Selective clearing for visibility of freestanding signs;
7. The regular pruning of trees to provide clear trunk and visibility as required by the Florida Department of Transportation;
8. The installation of tree protection barriers as defined in this section;
9. The regular removal of dead materials and debris; or
10. The installation of additional landscape materials required by this Code.
11. A clear path of three feet through vegetative buffers shall be maintained to allow for a Fire Department Connection

(d) *Exceptions.* This A landscape buffer area is not required:

1. For property located within the city's central business district (CBD);
2. For front and side setbacks less than or equal to ten (10) feet. In these cases, only rear lot lines shall adhere to any requirements defined in this section;

3. For side lot lines wherein a residential lot is adjoined to another residential lot;
44. When the paved ground surface area is completely screened from adjacent properties or public rights-of-way by intervening buildings or structures;
52. 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; or
3. When the paved area is at least one hundred fifty (150) feet from the nearest property line; or
64. When the required landscape strip-buffer area 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.;
5. For property within the city's central business district (CBD).
- (c). ~~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.
- (ed). ~~Modification of requirements.~~ The community development board or staff, when only staff review is required, may determine that:
1. Screening is better achieved by relocation of the landscape strip-buffer area;
 2. There is an unresolvable conflict between other element(s) of the development plan and the location, width or height of the perimeter landscape buffer area, and that the public interest is therefore best served by relocation of the landscape buffer area, lowering the height of required material or the substitution of a solid fence or wall in conjunction with a reduction in width; or
 3. That the screening would only serve to emphasize a long driveway that would otherwise be unobtrusive.
- (fe). ~~Required plant material.~~ The perimeter *Planting*. A landscape buffer area shall contain:
1. *Trees*. Landscape buffer areas shall include a calculated average of one (1) shade tree, as defined in the city's approved tree list, located in section 27-450, and sized as defined in section 27-447, for every twenty-five (25) linear feet of frontage. The average spacing for proposed tree plantings shall be measured sequentially from tree-to-tree and the following conditions shall be considered while measuring:
 - a. Clusters of no less than three (3) shade trees shall occur at all intrusions, as defined in this section, into the landscape buffer.
 - b. Existing trees retained within the landscape buffer area, including champion and heritage trees shall be exempt from this calculation.
 - c. Palms, understory, and ornamental trees of any species, as defined in the city's approved tree list, located in section 27-540 shall be exempt from this calculation except for when the use of shade trees is prohibited under overhead utilities.
 - d. Trees proposed within landscape buffer areas may be counted towards the required tree replacement total as defined in section 27-447
 42. *Visibility*. In addition to trees, a landscape buffer area shall contain an opaque screen composed of either plant materials, or a combination of plant materials and masonry walls.
 - a. For the screening of vehicular use areas, landscape buffers shall be comprised of landscape materials, including hedges, shrubs, and groundcover plantings and Shrubs, shall be 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.;
 - b. For the screening of vehicular use areas from residential zoned property, landscape buffers shall be comprised of landscape materials, including hedges, shrubs, and groundcover plantings and shall be a visual screen of seventy-five (75) percent opacity and achieve a height of at least six (6) feet within twenty-four (24) months of planting.
 - c. A six (6) foot masonry wall may be substituted for the shrub screen.

~~2. 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.~~

~~df.~~ The community development 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.

~~(2)3 Interior requirements. a. Interior areas required to be landscaped include terminal parking islands, interior islands, divider medians, and islands at T-intersections.~~

~~b.a.~~ The placement of landscaped areas throughout the interior of the paved area shall average be 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.

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

~~4b.~~ *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.

~~2c.~~ *Interior islands:* One (1) shade tree per three hundred (300) square feet of interior landscape area, minimum one (1) shade tree per interior island area.

~~3d.~~ *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.

~~de.~~ The community development board community design 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.

~~(c) Method 2 performance landscape requirements.~~

~~(1) 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:~~

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

~~b. 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.~~

~~(2) Method 2 requirements.~~

~~a. 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, groundcover and trees shall be chosen and arranged to conform with the guidelines of section 27-455.~~

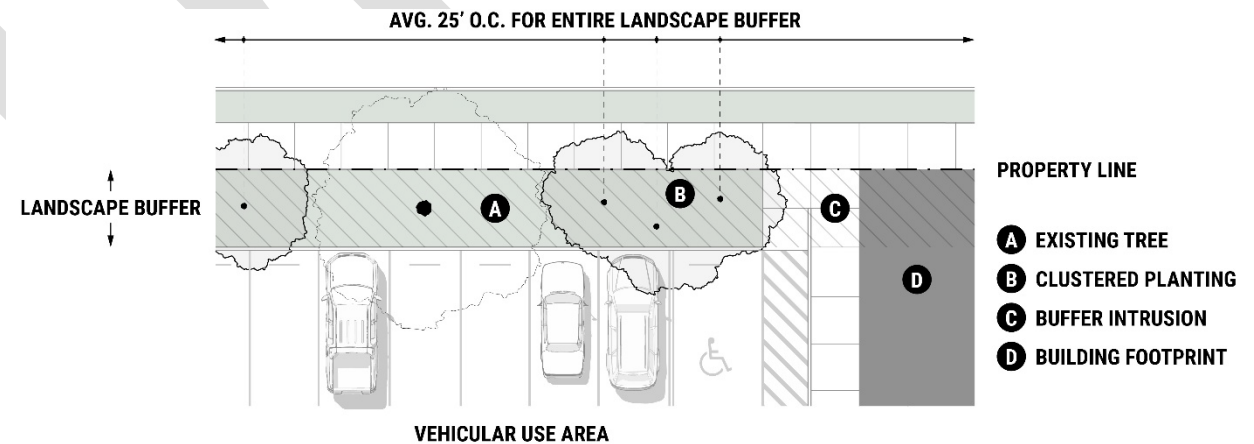
~~b. All landscape plans shall be accompanied with calculations and shadow studies in order to evidence fifty (50) percent coverage of the interior of the vehicular use area, or meet alternative~~

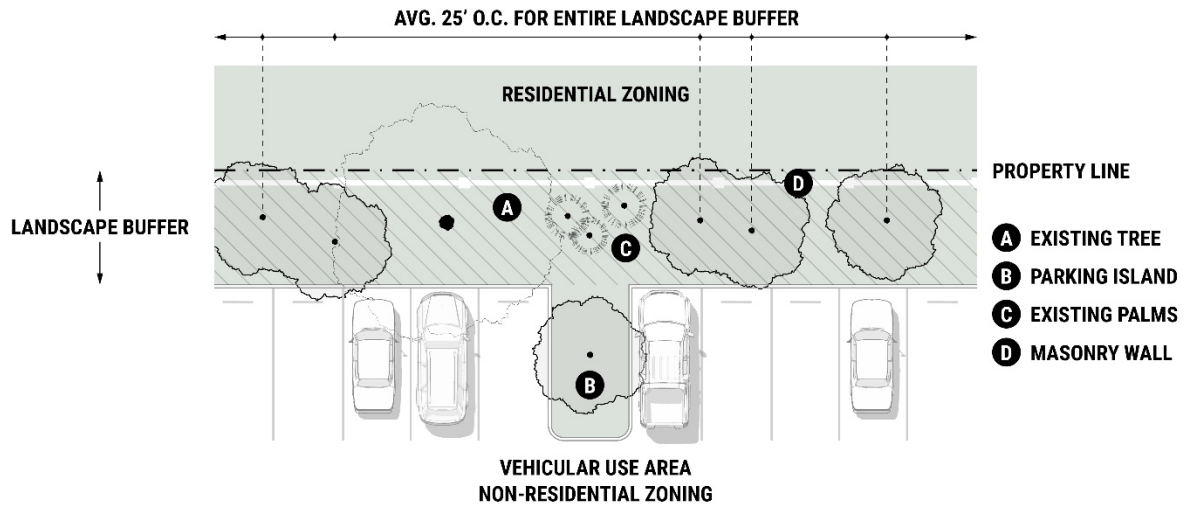
landscaping requirements as detailed later in this section. In determining the area shaded, the following methodology shall be used:

1. 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.
2. Landscaped areas within the vehicular use area containing trees shall be counted in the calculation of shaded area.
3. Paved areas under structures (such as second stories of buildings, canopies, etc.) may be deducted from the total paved area to be shaded.
- c. 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.
- d. 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.
- e. Exception to the fifty (50) 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 (2) 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; Ord. No. 2010-14, § 45, 9-7-10)

Figure 27-456-1 – Landscape buffer example diagrams





Sec. 27-458457. - Residential landscape requirements.

- (a) One (1) shade tree shall be planted or preserved for every three thousand (3,000) square feet of a residential lot or fraction thereof. No more than ten (10) new trees shall be required to be planted on any residential lot that is to be developed for one (1) single-family dwelling or one (1) two-family (duplex) residential structure as a result of this provision.
- (b) 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 (1) such street tree from the shade tree portion of the City's approved tree list, located in Section 27-450, shall be planted within five (5) feet of the public right-of-way for every one hundred fifty four (15045) linear feet of street. In residential subdivisions, where property on one (1) side of the right-of-way is not owned by the subdivider, such street trees shall be planted alternately on either side of the street. Such trees shall be no closer together than one hundred twenty (120) feet. Street trees planted or preserved per this requirement shall not count towards the overall shade tree requirement. [moved and revised from 27-446 1(b)]
- (b) All required trees shall be selected from the city tree list in section 27-450.
- (c) Landscaping of the City of Neptune Beach street ends terminating at the Atlantic Ocean and at the intracoastal waterway that, by its location or characteristics of growth, creates the image of private property or has the effect of appropriating public property for private use shall be prohibited. Except at beach access points, voluntary care of the street ends rights-of-way to include a minimum level of landscaping and beautification for the public benefit may be approved by the city manager upon submission of a right-of-way permit application. Landscaping shall be limited to a maximum of three (3) feet.
- (d) Where gravel is used as landscaping groundcover, a concrete, stone paver, or similar barrier must be used to contain the gravel and keep it from entering streets, drains, culverts, and any other transportation and stormwater system.

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

Sec. 27-459. — Landscape buffers.

- (a) Landscape buffers shall be established and maintained in accordance with this section. These requirements are illustrated in Figure 27-457-1. [See Figures at the end of article IX.]

- (b) One (1) or more of the following provisions may be applicable to a specific use. In such case, the most stringent requirement shall apply.
- (c) Landscaped buffers shall be deemed the minimum necessary to achieve compatibility between land uses. Vehicular use areas and retention ponds may not be located within buffers.
- (1) Landscape buffers along rights-of-way.
- a. A landscaped area of minimum nine (9) feet in width shall be located between off-street parking areas and abutting rights-of-way. This area shall include one (1) shade tree for every fifty (50) linear feet of frontage. In addition, a hedge of at least two (2) feet in height upon planting shall be located along the parking lot side of this buffer. This width shall be reduced to five (5) feet in the central business district (CBD).
 - b. A masonry wall may be substituted for the required hedge, provided it does not exceed four (4) feet in height. One (1) shrub for every four (4) linear feet of barrier shall be planted abutting these masonry walls, and may be clustered rather than evenly spaced. The remainder of the required buffer shall be landscaped with turf, shrubs or groundcover.
 - c. Minimum length. Landscape buffers shall extend along the entire length of the property boundary abutting the right-of-way, and may only be altered for the following purposes:
 1. Construction of accessways as necessary and in compliance with an approved development plan.
 2. Installation of stormwater, drainage or utility improvements as necessary and in compliance with an approved development plan.
 3. Grading for retention as necessary and in compliance with an approved development plan.
 4. Selective clearing for visibility of freestanding signs.
 5. The regular pruning of trees to provide clear trunk and visibility between three (3) feet and fifteen (15) feet above grade. Such pruning shall only be permitted for trees with height and maturity necessary to reasonably accommodate such activity.
 6. The regular removal of dead materials and debris.
 7. Installation of additional landscape materials required by this Code.
- (2) Landscape buffers adjacent to residential uses.
- a. A buffer shall be required for any uses other than single-family that abut single-family uses or properties. The buffer shall be minimum ten (10) feet in width, and shall contain an opaque screen composed of either plant materials, or a combination of plant materials and masonry walls. Required buffers shall have a minimum height of six (6) feet.
 - b. Landscape materials shall include a visual screen of shrubs that will attain a height of six (6) feet, with seventy-five (75) percent opacity, within twenty-four (24) months of planting. One (1) shade tree per twenty-five (25) linear feet shall be planted within the buffer, or a combination of one (1) shade tree and two (2) understory trees per fifty (50) linear feet.
 - c. A six-foot masonry wall may be substituted for the shrub screen. In this case, one (1) shade tree per twenty-five (25) linear feet shall be planted within the buffer.
 - d. The remainder of the required buffer shall be landscaped with turf, groundcover or shrubs.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-460458. - Tree conservation and trust fund.

- (a) *Establishment of trust fund.* The city council hereby recognizes the establishment of the tree conservation trust fund ("tree fund") for the purposes of accepting and disbursing monies paid to the city as part of tree mitigation and any other funds deposited with the city for the purpose of tree and vegetation conservation and protection. This fund shall be used solely for the planting of trees, the protection and conservation of existing trees where appropriate, or the re-establishment of vegetative resources in the city and any other ancillary costs associated with such activities, provided that such ancillary costs shall not exceed twenty (20) percent of the cost of the particular project.

- (b) *Terms of existence.* The tree fund shall be self-perpetuating from year to year unless specifically terminated by the city council.
- (c) *Tree fund assets.* All funds received shall be placed in trust for and inure to the public use and environmental benefit of the city.
- (d) Tree fund administration.
 - (1) Trust funds shall be used only for the purposes designated by the city in accordance with the intent of this chapter.
 - (2) All mitigation funds collected pursuant to this chapter shall be deposited in the tree fund, which shall be a separate account established and maintained apart from the general revenue fund of the city.
 - (3) The city manager will bring plans for the use of the tree fund expenditures to council for approval.
- (e) Disbursal of tree conservation trust fund assets.
 - (1) Expenditures for projects funded by the tree conservation trust fund shall be made in accordance with the established purchasing procedures of the city.
 - (2) Priority shall be given to the use of funds for projects that plant or replace trees or vegetation along public rights-of-way or on properties and lands in public use that will provide needed shade, aesthetic enhancement or the re-establishment of tree canopy in neighborhoods and along public roadways.
- (f) Triggers and controlling provisions of the Code.
 - (1) For purposes of triggering any fund payment pursuant to this section, subsections 27-447(b) and 27-448(d) shall be controlling.
 - (2) The applicant shall have the option of either:
 - a. Replacing the removed tree pursuant to subsections 27-447(b) and 27-448(d);
 - b. Partially replacing the removed tree(s) pursuant to subsections 27-447(b) and 27-448(d) and paying the balance to the trust fund pursuant to subsection (3) below; or
 - eb. Paying the entire balance owed to the trust fund pursuant to subsection (3) below.
 - (3) The applicant shall pay a sum equal to one hundred eighty-five dollars (\$185.00) per caliper inch of trees(s) removed to offset or mitigate the removal of a qualifying tree or when replacement trees are deemed unsuitable for the site per section 27-447(b). The one hundred eighty-five dollar (\$185.00) rate shall be reviewed annually by city staff to determine that it is a sufficient amount to fully account and mitigate for the removal of qualifying trees.
 - (4) The applicant shall pay a sum equal to one hundred eighty-five dollars (\$185.00) per caliper inch of tree(s) when replacement trees are determined not to be suited for the location of the site per section 27-447(b).

(Ord. No. 2016-05, § 1, 6-6-16)

Secs. 27-461459—27-470. - Reserved.

Figure 27-457-1

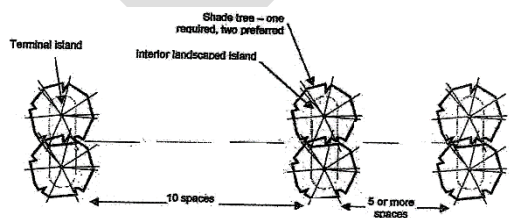


Figure 27-457-2

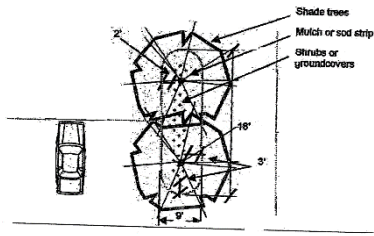


Figure 27-457-3

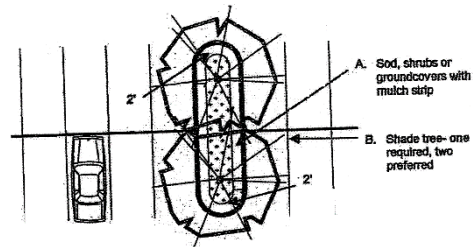


Figure 27-457-4

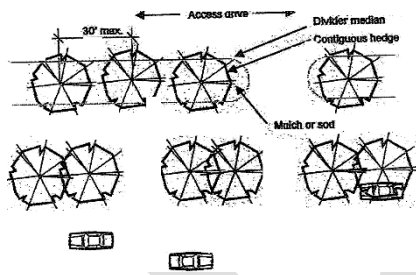


Figure 27-457-5

ARTICLE X. - STREETS, SIDEWALKS AND RIGHTS-OF-WAY^[15]

Footnotes: --- (15) --- Editor's note— Ord. No. 2004-10, § 1, adopted Oct. 4, 2004, amended art. X in its entirety to read as herein set out. Former art. X, §§ 27-471—27-480, pertained to similar provisions, and derived from Ord. No. 91-1-5, § 2, 5-6-91. Ord. No. 2002-02, § 8, 5-6-02; Ord. No. 2004-02, § 1, 5-10-04.

Sec. 27-471. - Generally.

This article establishes minimum requirements for the development of public and private streets, bikeways, pedestrian ways, and access control to and from public streets. These standards are intended to minimize the negative traffic impacts of development and to assure that all developments adequately provide for the safe and efficient movement of vehicles and people consistent with good engineering and development design practices.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-472. - Definitions.

Refer to article I for definitions.

Driveway shall mean a way for vehicular access that connects public roadways and off-street vehicular use areas.

Driveway apron shall mean that portion of a driveway between the property line and the curb or curb line if no curb is present.

Intersection shall mean the crossing, or meeting without crossing, of one roadway with another.

Roadway shall mean a way for vehicular traffic, whether designated as a street, highway, alley, avenue, boulevard, lane, court, place, or however designated, whenever dedicated to public use.

Parking, On-Street shall mean designated spaces along a roadway where vehicles may be parked.

Sidewalk shall mean a paved area intended primarily for the use of pedestrians, which is typically, though not always, located within a public street right-of-way.

Traffic Impact Study (TIS) shall mean a study carried out by a registered professional transportation engineer that investigates the impact of a proposed development or other improvement on vehicle, pedestrian, or cyclist safety, and on traffic operations, recommending any mitigating measures that may be required as a result of that impact.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-473. - Transportation analysis.

Any new development or substantial redevelopment project within the city that is estimated by the city manager or designee to generate five hundred (500) or more average daily trips, and/or fifty (50) or more peak hour trips, shall be required to undertake a traffic impact study. The purpose of the study shall be to identify and assess on-site, near site and off-site transportation improvement needs related to the project within one-half mile of the property. Trip estimates shall be based on trip generation rates from the most current edition of "Trip Generation" (published by the Institute of Transportation Engineers). Trip generation rates from other sources may be used if the developer demonstrates to the city's satisfaction that the alternative source better reflects local conditions. In addition, the city manager or designee may waive the study requirement or otherwise adjust the study area boundaries based upon a reasonable determination that the project will not unduly impact the existing public transportation system.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-474. - Developer improvements requirements.

Any developer of property within the city shall be responsible for those transportation improvements within and directly adjacent to the site necessary to accommodate the increased demand from the project. Such site related improvements may include, but not be limited to:

- Roadway, including any on-street parking, and pedestrian way construction;
- Driveway improvements and exclusive turn lanes at site access points, including signing, signalization and pavement markings; and
- Site-related intersection modifications at any off-site intersection within five hundred (500) feet of the nearest edge of the property or additional distance as determined by the traffic impact study.

All necessary roadway improvements shall be provided at the expense of the developer in conformance with this article. The developer may elect to request advertising for and receipt of contractor's proposals for construction of minimum improvements by the city, and the award and administration of construction contracts. The developer shall deposit with the city, through direct payment or the posting of a performance bond or other surety acceptable to the city, the entire cost of such improvements before the award of contracts. The developer shall have all engineering and design performed at his expense before advertising for bids.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-475. - Street classification.

To regulate street design standards such as access, road and right-of-way widths, circulation patterns, design speed, and construction standards, all existing and all proposed streets in the city shall be classified. The functional classifications for existing roadways, which include principal arterial, minor arterial, major collector, and local road, are described in the Transportation Element of the city's Comprehensive Plan and shown on Map B-1 of that element, are classified as documented in the future land use and traffic circulation map. Proposed streets shall be classified based on anticipated road function per publications such as the Traffic Engineering Handbook (by the Institute of Transportation Engineers) and/or A Policy on Geometric Design of Highways and Streets (by the American Association of State Highway and Transportation Officials).

(Ord. No. 2004-10, § 1, 10-4-04)

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 a minimum Lime Rock Bearing Ratio of 40 pounds per inch, LBR40. Where the subgrade does not exceed a state bearing test of forty (40) pounds per square inch, a subgrade shall exceed this ~~be stabilized to this strength.~~
- (c) *Base construction.* Base construction shall utilize only solid limerock, soil-cement, crush-crete, graded aggregate base, black base (bituminous base), crushed shell, or sand bituminous road mix. Solid limerock is not preferred and should be avoided if possible.
- (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-inch per foot.
- (e) *Dimensions.* Minimum dimensions shall conform to the following table:

	Arterial	Collector	Local
Subgrade thickness (inches)	12	12	6-12
Pavement base thickness (inches)	8-10	6-10	6-8

Pavement thickness (inches) (S-I)	2.5-3	1.25-2	0-1.5
Surface course (inches) (S-III)	1	1	1.5-1
Pavement lane width (feet)	12/11*	12/11*	10*

~~*Where a lack of space or obstacle imposes severe limitations.~~

~~*These represent minimum lane widths. Staff would like the ability to consider several traffic calming design solutions, including narrower lane widths, when constructing or improving streets.~~

- (f) ~~Cross slope-Vertical curvature.~~ To balance drainage requirements with vehicle operation, the recommended roadway cross slope in two (2) percent for roadways with four (4) or less lanes, and three (3) percent when three (3) lanes or more in each direction are present. Cross slopes for roadways ~~curvature~~ shall not be greater than four (4) ~~five (5)~~ percent, nor less than one-and-a-half (1.5) ~~four-tenths (0.4)~~ percent.
- (g) *Street intersection angle.* To the extent possible, streets should intersect at a perpendicular (ninety (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 ~~the Intracoastal Pable 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-sacs.* Culs-de-sacs shall conform to the following criteria:
- (1) ~~Streets ending in culs-de-sacs shall not exceed five-six hundred (500-600) feet in length from the center of the turnaround to the nearest street intersection.~~
 - (2) No ~~culs-de-sacs~~ shall be permitted to be platted unless there are platted lots on each side and around the outer perimeter thereof.
 - (3) ~~Culs-de-sacs~~ shall be provided with a chord dimension at the building restriction line equal to or exceeding the minimum street frontage requirement.
 - (4) ~~Culs-de-sacs~~ 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).

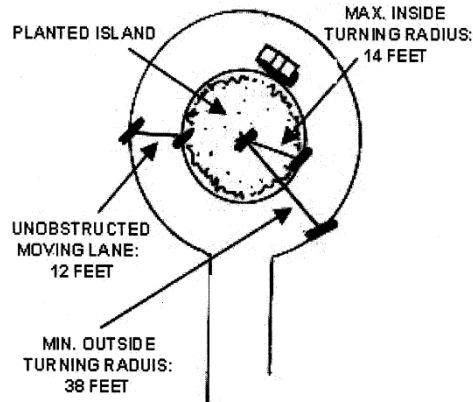


Figure 27-476-1

- (5) **Culs-de-sacs** greater than three hundred (300) feet in length shall include the posting of a "No Outlet" sign at the nearest street intersection.
- (6) **Culs-de-sac shall not be permitted in the R-3, R-4, R-5, C-1, C-2, C-3, and CBD districts.**
- (k) *Collector streets.* At least one (1) 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-way. 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 whenever possible 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. **Curbs and gutters shall be constructed along the edges of all street pavements for all new development and redevelopment, as set forth in section 27-519. 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 ~~community development board~~ **community design 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 (2) local streets may intersect with any other local street on the same side at a distance of less than ~~two hundred and fifty (250)~~ **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 sixty (660) feet. New intersections along one (1) 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 single right or left turn lane, with a minimum taper of fifty (50) feet, shall be designed to store the number of vehicles likely to accumulate during a critical period, as dictated by a traffic impact study. 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. For low volume intersections where a traffic impact study is not justified, a minimum one hundred (100) foot queue length (4 cars) should be provided in urban areas, and a minimum fifty (50) foot length queue length (2 cars) should be provided in suburban or rural areas. This queue length excludes the taper length.
 - (2) For double A-left or right turn lanes, the taper shall be a minimum of one hundred (100) feet in length, with a minimum of twenty five (25) feet of transition and one hundred 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, as determined by the Florida Greenbook calculations, 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 and palm trees with trunks free of vegetation and limbs with a minimum pruning height of up to eight (8) feet above the sidewalks grade and twelve (12) feet above vehicular traffic lanes grade 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:

Accessway intersecting an Accessway	6-10 feet
Accessway intersecting a ROW	10-15 feet

ROW intersecting a ROW	35 feet
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(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 community development board. At least two (2) street name signs shall be placed at each four-way street intersection, and one (1) 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. In new developments, stop bars shall be painted with thermoplastic paint and reflective materials.

(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 two hundred and fifty (250) ~~four hundred (400)~~ feet in length.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-06, § 2, 5-2-05; Ord. No. 2010-14, § 46, 9-7-10; Ord. No. 2013-09, § 1, 10-7-13)

Sec. 27-477. - Dedication of streets.

(a) Public streets shall be dedicated to the city upon completion, inspection and acceptance by the city.

(1) Public streets dedicated to the City must comply with all local standards, dedication language, city ordinances, and be free of any contingencies or variances.

(b) Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant the standards as provided for in this Code. All private streets shall be maintained through a covenant that runs with the land in the form of, but not limited to, a homeowners' or condominium association or such other legal mechanism as will assure the city and owners of contiguous property that the street shall be continually and properly maintained. The city and contiguous owners shall be provided with a legal right to enforce the assurance that the road will be continually maintained. Legal documents acceptable in form and content to the city shall be reviewed by the city manager or designee prior to development approval.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-478. - Dedication of right-of-way.

(a) As a minimum requirement, the following right-of-way widths shall be dedicated:

(1) Arterial streets, fifty (50) feet each side of the centerline;

(2) Collector streets, thirty-three (33) feet each side of the centerline;

(3) Local streets, twenty-five (25) feet each side of the centerline;

(4) Alleys, fifteen (15) feet each side of centerline for two-way movement, and ten (10) feet each side of centerline for one-way movement;

(5) Culs-de-sacs, radius of fifty (50) feet.

(b) *Future right-of-way.* Where roadway construction, improvement or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

(c) *Protection and use of right-of-way.* The following provisions apply to the use of rights-of-way:

- (1) No encroachment shall be permitted into existing right-of-ways, except for temporary and conditional use authorized by the city through a right-of-way permit use agreement, per the requirements in section 18-4, which allows for driveway aprons and landscaping, provided landscape planting and groundcover do not impede the use of any public on-street parking. The city is not responsible for any damage to private improvements within the public right-of-way and the private use of public right-of-way at beach access points shall not be permitted under any circumstances. any damage to appurtenances erected in the right of way, and that those appurtenances so erected can be removed for public purpose and further that the city is not obligated to replace those appurtenances this agreement is executed by the city manager and public works director.
- (2) Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the applicable specifications.
- (3) Sidewalks and bicycle ways shall be placed within the right-of-way.
- (d) *Vacations of right-of-way.* Applications to vacate a right-of-way may be approved upon a finding that all of the following conditions are met:
 - (1) The request is consistent with the transportation circulation element of the comprehensive plan.
 - (2) The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
 - (3) The vacation would not jeopardize the current or future location of any utility.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-479. - Sidewalks and bikeways.

- (a) No person shall lay any sidewalk or foot paving on the public rights-of-way of the city without a permit. Sidewalks laid in public rights-of-way shall be a minimum of ~~five (5)~~ six (6) feet wide and shall be laid with a slope of one-fourth inch per foot toward the street. Sidewalks, when constructed in front of any high traffic area or driveway apron, shall be at least six (6) inches deep. The Florida Design Manual is the basis for the design and construction for new sidewalks. Sidewalks are required to be maintained in good condition as determined by the public works director, or designee. Any damage as a result of construction, age, neglect, or substandard design shall require payment to the city's sidewalk construction fund or must be repaired or replaced by the property owner.
- (b) Sidewalks shall be provided on one (1) or both sides of residential streets as provided in subsections (e)—(g) below.
- (c) Access for ~~physically handicapped persons~~ persons with disabilities. Sidewalks shall be ~~handicapped~~ ADA accessible and a minimum width of six (6) ~~five (5)~~ feet. Sidewalks and intersections shall be ADA accessible with early detection plates at all conflict points, including curb ramps, transit or ride-hailing boarding areas, cut-through pedestrian refuge islands, and where bicycle lanes cross sidewalks. Curb ramps shall have a minimum width of thirty-six (36) inches, with a minimum top landing of thirty-six (36) by thirty-six (36) inches and a maximum slope of 1:12. Perpendicular curb ramps are preferred to parallel ramps and diagonal curb ramp, located on the apex of the intersection curve, should be avoided whenever possible.
- (d) Right-of-way/sidewalk lease restriction. Outside seating for restaurants, coffee shops and sidewalk cafes may be operated by the management of adjacent permitted food service establishments, subject to the following provisions:
 - (1) The city council shall determine and establish by resolution the charges, terms and termination procedures for right-of-way/sidewalk uses.
 - (2) Approval of the proposed right-of-way/sidewalk lease by the city council will be deemed the equivalent of the granting of a permit as subsequent sections state.

- (3) The unenclosed portion of the restaurant or cafe shall be accessory to or under the same ownership or control as the restaurant or cafe which is operated within a totally and permanently enclosed building on the same lot.
- (4) The area of unenclosed, outdoor customer service area of a restaurant or cafe shall not exceed fifteen (15) percent of the total enclosed area of the restaurant or cafe.
- (5) Outside seating within public rights-of-way may be permitted under a renewable annual lease agreement approved by the city council. As a condition of the lease, the owner of such establishment shall agree in writing to maintain that portion of the right-of-way where the outside seating is located. The owner/lessee/lessor of the business establishment and the property owner shall agree in writing to hold the city harmless for any personal injury or property damage resulting from the existence or operation of, and the condition and maintenance of the right-of-way upon which any outside seating is located, and shall furnish evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) per occurrence with the city as additional named insured.
- (6) Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed activity. The outdoor dining area shall leave not less than five (5) consecutive feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic.
- (7) Outside seating areas shall be defined by an enclosure of at least three (3) feet in height measured from the ground or sidewalk level. Enclosures shall be designed in compliance with ADA accessibility guidelines and shall provide safe pedestrian access to the public right-of-way and designated parking spaces. Such enclosure may consist of screens, planters, fencing or other similar materials.
- (8) Alcoholic beverages shall not be allowed outside the limits of the outdoor seating area, and measures shall be taken to educate customers of the prohibition of alcohol leaving the premises.
- (9) Alcoholic beverages shall be served with meals only and all sales shall end at 1:30 a.m.
- (10) The hours of operation shall be limited to the open of business to 2:00 a.m.
- (11) No heating or cooking of food or open flames shall be allowed in outside seating areas.
- (12) There shall be no use, operation or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound in such a manner as to constitute a violation of the City of Neptune Beach's ordinances which regulate noise.
- (13) Lighting to serve outside seating areas shall be white in color and shall not project onto adjacent property.
- (14) The outside seating area shall be designated as a nonsmoking area. It shall be assumed that an outdoor dining area is a privilege and not a right. The city council or designee shall have the right to prohibit the operation of an outdoor dining area at any time because of anticipated or unanticipated problems or conflicts with the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, marches, or repairs to the street or sidewalk. To the extent that is possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area will be prohibited.
- (15) As stated in subsection (d)(14) above, outdoor dining permits are to be considered a privilege and not a right. The outdoor dining permit may be revoked by the city council following notice of the permittee. Any lease for the use of the city's right-of-way shall include a provision authorizing the right of city to terminate such lease in accordance with this section. In the event the lease fails to include such a provision, the operation of outdoor dining in accordance with such an outdoor dining permit shall be deemed to grant consent of the applicant to the right of the city to terminate any lease in accordance with this section without the requirement for further amendment to such lease. The permit may be revoked if one (1) or more conditions outlined in

this section have been violated, or if the outdoor dining area is being operated in a manner which constitutes a public nuisance not specifically outlined in the above article. Following the revocation of an outdoor dining permit, no application for the same site shall be filed within one (1) year from the date of revocation.

- (16) The community development director, building official, code enforcement officer, or other person authorized by the city manager, shall be authorized to enforce provisions of this section and to take such action as may be necessary to ensure compliance with the regulations, general provisions or conditions imposed upon the outdoor dining permit.

(e) Sidewalks required. For new significant new development and redevelopment involving more than two (2) acres of land, property owners shall be required to install sidewalks along their street-facing property lines. Except as provided otherwise herein, sidewalks shall be required on one (1) or both sides of all streets in accordance with the City of Neptune Beach Sidewalk Plan adopted from time to time by the city manager or their designee, subject to the following:

- (1) Modification of sidewalk location. The public works director, or designee, shall be authorized to approve or require modifications in sidewalk locations to accommodate unique design characteristics or to protect existing trees or when there is a conflict between the required sidewalk and the provisions of this Code.

(f) Payment in lieu of construction.

- (1) When not physically practical. Upon request of a building permit applicant, the public works director, or designee, shall be authorized to determine that construction of sidewalks is not physically practical. Examples of factors that may make sidewalk construction not physically practical include but are not limited to the following:

- a. Existing physical impediments;
- b. Substantial grade changes;
- c. Trees;
- d. Impending road/right-of-way construction;
- e. Impacts on pedestrian network; and/or
- f. A determination made by the public works director, or designee, that sidewalk construction is not physically practical.

- (2) Sidewalk construction fund. If the public works director, or designee, determines that sidewalk construction is not physically practical, the permit applicant shall not be required to construct sidewalks. Instead, the permit applicant shall make a payment into the sidewalk construction fund to be established by the city prior to issuance of any permit for development of the site. Such payment shall be the equivalent of the per linear foot cost to the city for installing the sidewalk, based upon the usual cost to the city to install sidewalk at such time, using a six-inch minimum thickness of concrete for the driveway and a four-inch minimum thickness of concrete for the remainder of the parcel frontage. The city shall expend proceeds from the sidewalk construction fund for sidewalk construction only.

(g) Appeals.

- (1) Any person desiring to appeal a determination issued by the public works director, or designee, is hereinafter referred to as "appellant." In order to secure administrative review under this subsection, appellant must file a written notice of appeal with the City of Neptune Beach City Manager within ten (10) calendar days of the decision sought to be appealed. A required processing fee, as established from time-to-time by the city manager, may be required with the notice of appeal in order to defray actual administrative costs associated with processing the appeal.

- (2) All notices of appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation which the applicant desires to be considered.
- (3) Within thirty (30) days following the receipt of the notice of appeal, the city manager will review the submitted documents and any other relevant material. The thirty-day review period may be extended if additional information is needed from the appellant in order to render a decision. Upon completion of the administrative review, the city manager will provide a written response to the appellant.
- (4) Appellant may appeal the determination of the city manager by filing a written notice of appeal to city council. Said filing shall be made with the city clerk for the city within fifteen (15) days following receipt of the city manager's determination. All notices of appeal to city council shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation which the applicant desires to be considered. The appeal shall contain the name and address of the person(s) filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property.
- (5) The city clerk is responsible for scheduling the appeal before the city council and will provide at least ten (10) days' notice to the appellant of the date of the designated council meeting. Postponements of the city council appeal date may be granted by the city clerk if they are requested in writing at least ten (10) days in advance of the scheduled city council meeting date. When an appeal is scheduled before the city council, the appellant and the city staff shall each be given five (5) minutes for presentation at the meeting.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2005-20, § 1, 10-3-05; Ord. No. 2007-19, § 1, 12-3-07; Ord. No. 2009-11, § 1, 11-2-09; Ord. No. 2020-10, § 1, 10-5-20)

Sec. 27-480. - Driveway aprons and pavement material.

- (a) All motor vehicle access driveway aprons shall be surfaced with an approved type concrete or asphalt pavement or similar structural course such as bricks or decorative pavers, and shall extend to the curb when curbing is installed or to the curblines of the street where no such curbing exists. The apron depth shall be a minimum of ten (10) feet from the edge of the street or to the curve radius return, whichever is greater.
- (b) ~~Wood chip Gravel, crushed shell, driveways~~ and other nonasphaltic or nonconcrete driveways are expressly prohibited in nonresidential permitted in residential and natural areas. In residential areas, alternative solid or stabilized porous materials, as approved, subject to approval by the city manager or designee, may also be used. Wood chip driveways are expressly prohibited in zoning districts.

(Ord. No. 2004-10, § 1, 10-4-04)

Secs. 27-481—27-490. - Reserved.

ARTICLE XII. - STORMWATER MANAGEMENT AND EROSION CONTROL

Sec. 27-511. - Reserved.

Sec. 27-512. - Generally.

This article establishes standards for stormwater management and erosion and sediment control and describes the administration and enforcement of these provisions.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 1, 6-10-13)

Sec. 27-513. - Applicability.

This article applies to all development within the city.

(Ord. No. 91-1-5, § 2, 5-6-91)

Sec. 27-514. - Findings of fact.

The city council finds that:

- (1) Increased stormwater runoff may cause erosion, sedimentation, and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.
- (2) Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.
- (3) Erosion silts up waterbodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.
- (4) Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.
- (5) Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.
- (6) Improperly managed stormwater runoff alters the salinity of estuarine areas and diminishes their biological productivity.
- (7) Degradation of ground and surface waters imposes economic costs on the community.
- (8) Improperly managed stormwater adversely affects the drainage of off-site property.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 2, 6-10-13)

Sec. 27-515. - Purpose and intent.

The provisions of this article shall be implemented to achieve the following intentions and purposes of the city council:

- (1) To protect and maintain the chemical, physical and biological integrity of ground and surface waters.
- (2) To prevent activities which adversely affect ground and surface waters.
- (3) To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.
- (4) To protect natural drainage systems.
- (5) To minimize runoff pollution of ground and surface waters.
- (6) To maintain and restore groundwater levels.
- (7) To protect and maintain natural salinity levels in estuarine areas.

- (8) To minimize erosion and sedimentation.
- (9) To prevent damage to wetlands and property.
- (10) To protect, maintain, and restore the habitat of fish and wildlife.
- (11) To comply with the city's National Pollution Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) permit requirements.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 3, 6-10-13)

Sec. 27-516. - Definitions.

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

Attenuation shall mean the reduction of post-development stormwater characteristics to the historical pre-development levels for peak discharge rate and volume.

Detention means the collection and storage of surface water for subsequent gradual discharge.

Illicit discharge and *illegal dumping* shall mean any discharge or dumping nearby to or into the municipal separate storm sewer system (MS4) that is not composed entirely of stormwater except for discharges resulting from firefighting activities and a few other categories listed in Part II.A.7a of the city's NPDES stormwater MS4 permit. Common sources and types of non-stormwater include, septic system effluent, vehicle wash water from commercial establishments, washdown, spills, leaks, yard debris, grass clippings, pet waste, litter, trash, midnight dumping, mulch, fertilizer, pesticides, paints, solvents, motor oil, antifreeze, fuel, spills, among other sources and substances.

Low impact design (LID) shall mean the principles to integrate the following concepts into the design process: use hydrology as the integrating framework, control stormwater at the source, minimize impervious surface area, create a multi-functional landscape and infrastructure, use of Florida-friendly landscaping, promote stormwater harvesting to reduce demands on potable water, promote recharge of groundwater supplies, protect surface waters, and improve air quality and reduce urban heat island effects through the use of vegetation and trees.

Municipal separate storm sewer system or *MS4* means all of the components of the city's master stormwater system.

Pervious pavements shall mean pavements that have air spaces that allow water to move through the pavement, base material and subbase, and then infiltrate into the ground. Pervious pavement may include an aggregate base as a reservoir, and must have suitable native soils as a subgrade to support infiltrating into the ground. Pervious pavement is designed to accept precipitation, reduce runoff, and is typically thicker than traditional pavements to support the same loads. Pervious pavement systems shall have a permeability and infiltration capacity greater than that of the existing uncompacted native soil subgrade that typically has an infiltration capacity that exceeds twenty (20) inches per hour. Traditional solid brick paver systems or systems with base, subbase, or subgrade that are impervious or semi-impervious shall not be considered as a pervious pavement.

Pre-development shall mean the historical condition of a parcel of land prior to any land disturbing activities that have taken place.

Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Sediment means the mineral or organic particulate material that is in suspension or has settled in surface water.

Site means generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one (1) ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Stormwater means the flow of water which results from, and that occurs following a rainfall.

Stormwater management facilities shall mean those facilities systems which are designed and constructed or implemented to control discharges necessitated by rainfall events, and may incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and pollution, or otherwise affect the quality and quantity of discharges.

Swale means a shallow channel that functions as an intermittent drainage way.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 4, 6-10-13)

Sec. 27-517. - Exemptions.

The following development activities are exempt from these stormwater requirements, except the steps to control erosion and sedimentation and the flood zone requirements in subsection 27-519(q) which must be taken for all development:

- (1) The construction of a single-family or two-family (duplex) residential dwelling unit(s) and accessory structures in residentially zoned property on a single parcel of land less than one-third of an acre or up to one-half acre with less than nine thousand (9,000) square feet of impervious or semi-impervious area not part of a larger common plan of development or sale.
- (2) Construction on CBD-zoned property on a parcel of land less than one-third of an acre or up to one-half acre with less than nine thousand (9,000) square feet of impervious or semi-impervious area not part of a larger common plan of development or sale.
- (3) ~~(2)~~ Maintenance activities that will not change, alter or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- (4) ~~(3)~~ Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the city manager as soon as practicable.
- (5) ~~(4)~~ The subdivision of an existing property to more than two (2) or more parcels shall not qualify for an exemption, and shall be considered part of a common plan of development or sale.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 5, 6-10-13; Ord. No. [2014-12](#), § 1, 7-7-14)

Sec. 27-518. - Permits needed before issuance of development order.

All nonexempt development shall receive all appropriate permits from federal and state agencies such as the United States Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACOE), the Florida Department of Environmental Protection (FDEP), and the St. Johns River Water Management District prior to commencement of land disturbing activities.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1998-31, § 1, 12-7-98; Ord. No. 2013-02, § 6, 6-10-13)

Sec. 27-519. - Stormwater requirements.

- (a) *Compliance with state and other regulations.* All sites, facilities, and stormwater management systems shall comply with the applicable rules of the Florida Department of Environmental Protection (Ch. 62-330, F.A.C., Ch. 62-621.300, F.A.C., and Ch. 62-624 F.A.C and rules and handbooks of the St. Johns River Water Management District (Ch 40C-4 F.A.C., Ch. 40C-40 F.A.C., Ch. 40C-41 F.A.C., Ch. 40C-42 F.A.C., Ch. 40C-400 F.A.C.). These rules and handbooks are hereby incorporated by reference, but shall not supersede the city's ordinances.
- (b) Conveyance system design:
 - (1) The rational method utilizing the FDOT storm tabulation method shall be used unless otherwise approved by the city manager or designee.
 - (2) A minimum time of concentration of ten (10) minutes shall be used.

- (3) For minor collection systems, driveway culverts, side drains and subdivision storm sewers the five-year frequency storm shall be used.
 - (4) For outfalls from stormwater management systems such as retention or detention systems and cross drains the twenty-five-year frequency storm shall be used.
 - (5) The minimum acceptable pipe velocity is 2.5 feet per second (fps) flowing full. If this is a physical impossibility, an absolute minimum hydraulic velocity of 2.0 fps for full flow should be obtained with the prior approval of the city manager or designee.
 - (6) The maximum velocity shall be kept below ten (10) fps.
 - (7) The maximum allowable velocity at the point of discharge is 2.5 fps unless energy dissipation is provided. If the outfall discharges into a still body of water, submergence of the outfall by at least two-thirds of the diameter may be considered as energy dissipation.
 - (8) When hydraulic calculations do not consider minor energy losses, the elevation of the hydraulic gradient for the design storm condition should be at least 1.0 feet below the gutter, grate elevation or ground elevation. Minor losses will be considered when the hydraulic gradient velocity exceeds six (6) feet per second or lower on critical systems. When minor losses are calculated, it will be acceptable for the hydraulic gradient to reach two-tenths of a foot (0.2') below the gutter elevation, grate elevation, or ground elevation.
- (c) ***Stormwater management facilities:*** All stormwater management facilities such as detention and retention systems shall be designed and constructed to control the mean annual, five (5) year frequency twenty-four hour duration and the twenty-five (25) year frequency twenty-four hour duration storm events. All stormwater management facilities shall have a positive discharge and outfall except as approved by the city manager or designee. All stormwater management facilities intended for dedication to the city shall provide a minimum twelve (12) feet of clear access on all sides suitable for maintenance vehicles except as approved by the city manager or designee. Project sites less than five (5) acres may use either the rational method or a soils conservation service (SCS) method. Project sites five (5) acres and greater shall use a SCS method. SCS methods shall use the Type II Florida Modified Distributions with rainfall amounts from the St. Johns River Water Management District Technical Publication SJ88-3. All stormwater management facilities must recover to its design low water stage within seventy-two (72) hours. To provide the city with assurances, case permeability test must be performed for every 0.5 acres of retention area and at each retention location at the same elevation as the proposed bottom of the basin and a safety factor of two (2) shall be applied to the design. A groundwater mounding analysis shall be required to demonstrate recovery of all retention areas. All stormwater management systems shall have a one-foot minimum freeboard required at all points for all required storm events, and shall have an emergency overflow which will direct the water to a suitable drainage system. Banks shall be sloped no greater than one (1) unit vertical to five (5) units horizontal, unless privately owned and permanently fenced, in which case the slope may be increased to one (1) vertical per three (3) horizontal units. Steeper slopes shall be bulkheaded with nondeteriorating materials of sufficient strength to support the active and passive earth pressures retained. Pumps used for stormwater shall not be allowed for facilities intended for dedication except as approved by the city manager or designee. Stormwater pumps, forcemains and appurtenances shall be maintained and owned by the property owner or home owners' association, and shall not be intended for dedication to the city. Underground stormwater management facilities such as vault or chamber-type systems shall have suitable provisions for inspection, maintenance, and cleaning. Underground stormwater management facilities shall be maintained and owned by the property owner or home owners' association, and shall not be intended for dedication to the city.
- (d) ***Streets and road drainage:*** Curbs and gutters shall be constructed along the edges of all street pavements for all new development and redevelopment. The distance between curb inlets shall not exceed five hundred (500) feet. The capacity of standard curb inlets shall be no more than 3.5 cubic feet per second (cfs) per throat unless otherwise approved by the city manager or designee. The minimum gutter slope shall be at least 0.005 ft/ft. The city manager or designee may allow, with prior approval, the use of ribbon curb to accommodate road side swales when used as part of a low impact developments (LID) project that incorporate reduction in flow and volume of stormwater,

increase in natural hydrology, and adherence to the principles of the Florida Yards and Neighborhoods Program in new landscaping. The maximum side slope for these swales shall be 3:1, the maximum allowable velocity shall be two (2) fps unless soil conditions indicate a lower velocity or structural erosion control protection is provided, and a minimum shoulder width of six (6) linear feet is provided. Rights-of-way with streets and roads without curb and gutter shall be private and will not be dedicated to the city.

- (e) *Attenuation*: All new developments and redevelopments shall be required to attenuation both peak discharge rate and volume to the historical pre-development flow rates and volume of discharge for the mean annual storm event, five-year frequency twenty-four hour duration storm event and the twenty-five-year frequency twenty-four hour duration storm event.
- (f) *Stormwater treatment*: All new developments and redevelopments shall provide treatment that meets or exceeds the minimum level of stormwater treatment in Chapter 62-40.432(2), F.A.C. and the applicable design criteria for stormwater management systems established in the rules and handbooks of the SJRWMD. The level of treatment for all new developments and redevelopments located within a basin that discharges to a state listed impaired waterbody shall be equal to "net improvement" as required by Section 373.414(1)(b)(3). This means that the post-development stormwater pollutant loading for the pollutant causing the impairment must be less than the existing stormwater pollutant loading from the site. Pervious and semi-impervious pavements are required to provide treatment. Additional treatment may be required to comply with other state or federal agencies. All new developments and redevelopments shall provide provisions to prevent the escape of floatable materials prior to discharge from the site.
- (g) *Illicit discharges and illicit connections*: Non-stormwater discharges, illicit discharges and illicit connections such as the discharge of spills and the dumping or disposal of materials other than stormwater into stormwater systems and the city's municipal separate storm sewer systems (MS4) shall be prohibited.
- (h) *Stormwater related inspections*: All properties and facilities contributing to or discharging into the city's MS4 shall grant city personnel access to the property, buildings, and the facilities to perform inspections, surveillance and monitoring procedures necessary to determine compliance with the city's MS4 permit.
- (i) *Adjacent impacts*: All new developments and redevelopments shall provide assurance that adjacent or nearby properties not owned or controlled by the applicant will not be adversely affected by drainage or flooding.
- (j) *Private stormwater systems*: All new developments and major redevelopments with private stormwater systems and facilities shall designate an operation and maintenance entity in accordance with the requirements of the SJRWMD that is capable of effectively operating and maintaining such systems and facilities.
- (k) *Low maintenance zone*: Shall be a minimum of six (6) feet from any pond, stream, watercourse, lake, wetland, swale, retention system, detention system, stormwater inlet, curb inlet or seawall. Appropriate vegetation shall be selected, planted, and maintained to minimize fertilization, watering, erosion, and mowing. Floatable materials such as mulch shall be prohibited in the low maintenance zone. Initial planting shall achieve at least seventy-five (75) percent coverage and shall achieve a ninety-five (95) percent coverage within the first six (6) months after planting to prevent erosion. All exposed soil shall be stabilized to prevent erosion. Cut vegetative material or yard debris shall not be deposited or left remaining in the low maintenance zone. Fertilizers shall only be minimally used when a soil test and leaf tissue test demonstrate that nutrients are needed for the vegetation to grow and survive. Herbicides, aquatic weed control, and pesticides shall not be used in the low maintenance zone.
- (l) *Storm sewers and culverts*: For all storm sewers, driveway culverts, cross drains and side drains within rights-of-way and intended for dedication to the city shall use reinforced concrete pipe (RCP) class III, IV, or V, precast box culverts, or built-in-place concrete box culverts, terminating with headwalls, mitered end sections, or flared end sections or as approved by the city manager or designee, and shall have a minimum pipe size of fifteen (15) inches round or fifteen (15) inches

elliptical equivalent. All storm pipes in paved areas shall have a minimum cover of eighteen (18) inches from the top of the bell to the bottom of the pavement base. All storm pipes in unpaved areas shall have a minimum cover of eighteen (18) inches from the top of the bell to the finished grade. The maximum length of pipe without an access structure shall be four hundred (400) feet. Joints and joint material for reinforced concrete pipe shall be "O-ring" for round pipe or "ram-nek" for elliptical pipe, and shall include a twenty-four-inch band of filter fabric (one (1) foot on each side of joint) wrapped around each joint for all storm sewers intended for dedication to the city. Driveway culverts and cross drains shall extend a minimum of eight (8) feet on each side beyond the edge of pavement of the road. Driveway culverts and side drains not intended for dedication that will be privately maintained may use alternate pipe materials when approved by the city manager or designee. Upon completion of installation, the contractor shall test all flexible pipe for deflection. Pipe deflection shall not exceed five (5) percent. Testing equipment and test supervision will be provided by the contractor. Testing will be done using a mandrel having a diameter equal to ninety-five (95) percent of the inside diameter of the pipe. The test shall be performed without mechanical pulling devices or re-rounders. Any device for measuring deflection must be approved by the city manager or designee. Side drain applications, for lengths less than forty (40) feet, visual inspection methods, such as lamp testing, for deflection may be allowed.

- (m) *Operation and maintenance assurances:* The legal maintenance entity shall ensure that the "operation and maintenance inspection certification" as required by the SJRWMD is completed in a timely manner, and, a copy is maintained on-site and made available to city inspectors upon request.
- (n) An owner of land that has historically received natural drainage discharges from adjacent higher lands shall be obliged to continue to receive and convey such flows, but the owner of the higher land shall not change the manner, peak flow rates, or location of such historical naturally occurring drainage flows without the express written approval of the owner of the lower land. No obstruction to existing drainage will be permitted unless approved by the city manager or designee. This includes flow in streams, ditches, overland flow, underground flow, flow in pipes, or flow in floodplains. When a development or redevelopment constructs a drainage system to accept the private off-site upstream drainage, unless dedicated and accepted by the city, the property owner, the homeowners association or other acceptable entities as approved by the city, shall maintain the system. Drainage systems downstream of a proposed development or redevelopment shall have the capacity or hydraulic gradient to accept the proposed developments discharge, or that the proposed development improves the downstream drainage system. The city shall not be liability for any damage, drowning or any other personal damages caused by flooding, drainage or discharges including, but not limited to, blockage, dam failure, conveyance failure, structural failures, maintenance issues, wash-outs, erosion or excess flow. When downstream conditions will not accept runoff from the appropriate storm-existing conditions or other special instances, the development will be required to provide a drainage system which will not increase flooding downstream. Accordingly, the city manager or designee may require the developer to analyze the downstream drainage system.
 - (1) If there are known flooding problems, approval of off-site stormwater discharge shall be based on:
 - a. Maintaining existing peak discharge(s) and stage-discharge relationship(s) at the site discharge location(s) as well as the timing, duration, and volume of existing off-site discharge(s);
 - b. A demonstration that peak discharge(s) and volume release(s) from the site will not increase flood stages or velocities off-site; or
 - c. Providing improvements along entire discharge path (in recorded easements, unless approved otherwise by the city manager or designee) to the receiving waters.
 - (2) Known flooding problems are those which pose an imminent threat to public safety and/or property including loss of human life, blockage of evacuation and/or emergency vehicle routes, and/or flooding of homes, buildings, or roadways as evaluated by the following criteria:
 - a. Home/building flooding for any storm;
 - b. Overtopping existing conveyance ditches and swales;

- c. Insufficient or lack of positive outfall;
 - d. Closed basins or standing water in areas or conveyances for more than twenty-four (24) hours after an event.
 - e. Impaired, existing, off-site conveyance systems not designed to handle larger storms flows.
 - f. Roads being overtopped by flood stages based on the appropriate design event and over topping of the roadway of greater than one (1) foot based on the 100-year, twenty-four-hour event; or
 - g. Roads being overtopped by flood stages based on the appropriate design event and over topping of the roadway of greater than one-tenth of a foot based on the 25-year, twenty-four-hour event; or
 - h. Road being closed to traffic due to flooding; or
 - i. Greater than one-half of a foot per one hundred (100) feet of head loss across a stormwater conveyance structure for the appropriate design events.
- (o) *Soil borings*: Shall be required for all stormwater management systems including all retention and detention systems, and will include one (1) boring per 0.5 acres of system surface area. A minimum of one (1) boring will be required for each stormwater management facility location. The boring shall be taken to a depth at least fifteen (15) feet below the stormwater management facility bottom, and shall include information to show confining layers, encountered groundwater levels, and wet season high-water elevations.

(p) The minimum finish floor elevation shall be twelve (12) for habitable living spaces should be eighteen (18) inches above the crown of the highest adjacent centerline of road in front of the building (see section 27-340). However, the minimum building elevation may be higher in special flood hazard areas where base flood elevations have been established and on land affected by the coastal construction control line; see subsection (q) below and chapter 30, or top of curb, whichever is greater, and all other finished floor elevations should be at least twelve (12) inches above the highest adjacent centerline of road or top of curb, whichever is greater. Unless special drainage or floodproofing measures have been put in place, subject to approval by the City Manager or designee, the minimum garage floor elevation shall be four (4) inches above the crown of the road in front of the building, with the driveway sloping down and away from the garage entry.

(q) *Flood zone and flood-prone areas*: (Also see chapter 30, and refer to definitions in article I of chapter 27.)

(1) Any site (including residential lots) adjacent to a stream or river must be evaluated to assure that no blockage occurs in the floodplain. In the event a 100-year flood zone, as shown on current FIRM MAPS, or delineated by the best available data, or ten-year flood zones indicated in current Flood Insurance Study data or by other best available data is to be filled.

a. (4) Adequate storage area must be provided to hold the same quantity of water that the flood area did prior to filling;

b. (2) Certain channel and improvements downstream must be made to compensate for any storage denial; or

c. (3) A combination of No. 1 and 2 unless otherwise approved by the city manager or designee.

Flood-prone areas shall have adequate drainage provided to accommodate stormwater if flood-prone areas are filled. This could be in the form of alternate water storage areas, improvements, or combination of these or other basin changes. Approval from any local, State of Florida, or U.S. Government agency is required and copies forwarded to the city within ten (10) days after commencement of construction on the affected area.

(2) In special flood hazard areas where base flood elevations have been established, such as Zones VE and AE, the lowest floor of residential and nonresidential structures shall be elevated

to or above the base flood elevation plus ~~two (2) feet one (1) foot~~. In V Zones, the elevation requirement is measured from the bottom of the lowest horizontal structural member.

- (3) In special flood hazard areas where base flood elevations have not been established, such as Zone AO, the lowest floor construction shall be elevated to the depth number specified on the FIRM plus one (1) foot prior to the placement of fill. If no depth number is specified, the lowest floor including the basement, shall be elevated, at least three (3) feet above the highest adjacent natural grade prior to the placement of fill. ~~If no depth number is specified, the lowest floor including the basement, shall be elevated, at least two (2) feet above the highest adjacent natural grade.~~
- (4) Where the special flood hazard area is immediately adjacent to a "floodway" a more stringent base flood elevation is shown in the Flood Insurance Study. Where flood studies have produced floodways that provide a flood elevation based upon the floodway encroachment, these elevations are listed in the "With Floodway" column in the Floodway Data Table in the community's Flood Insurance Study. These higher elevations shall be used as the BFE for that area, and then the freeboard requirement stated above shall be applied.
- (r) *Drainage easements:* Easement width for drainage pipe shall be twenty-five-foot minimum for five (5) feet of cut or less and two (2) feet additional width for each additional foot of cut below five (5) feet. The pipe shall be located in the center part of any easement. The city shall require unobstructed easements or rights-of-way along rear or side lot lines where necessitated by maintenance requirements. This criteria does not apply for private easements. All stormwater management facilities are to be owned and maintained by the legal operation and maintenance entity as required by the SJRWMD. Rights-of-way or easements must continue through all stormwater management systems. Littoral zones and wetland mitigation areas shall not be located within city easements. Such rights-of-way or easements shall include a hold harmless agreement and a twenty-foot minimum access easement to control structures via land.
- (s) *Hold harmless:* A "hold harmless" agreement must be executed and approved by the city which will relieve the city of any responsibility of any liability for any damage caused by flooding, including but not limited to, blockage, dam failure, and excess flow, drowning or any other personal damages, and for maintaining all privately owned and operated stormwater management systems. The agreement shall be shown on the final plat.
- (t) *Groundwater:* In accordance with the test boring data obtained and considering anticipated groundwater changes due to drainage improvements, underdrain shall be installed in all cases where the groundwater table is closer than twenty-four (24) inches below the lowest finished bottom elevation of road base coarse for any roadway. The "iron-oxide" lens in the soil may be used as an indicator of the usual high pre-development groundwater elevation. Should underdrain quantities be adjusted in the field during construction the developer's engineer shall revise the construction plans accordingly and submit revised signed and sealed plans to the city. The size of the underdrain required shall be determined using accepted engineering practices. The minimum size acceptable is six (6) inches in diameter, and the minimum slope shall be 0.004 ft/ft.
- (u) *As-built or record drawings:* "As-built" or record drawings signed and sealed by a Florida registered professional must be submitted and approved for all stormwater management and collection systems intended for dedication.
- (v) Additional criteria may be added by the city as deemed appropriate on a site by site bases by the city manager, city engineer, city council or designee.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1998-31, § 1, 12-7-98; Ord. No. 2013-02, § 7, 6-10-13)

Sec. 27-520. - Erosion and sediment control.

- (a) Where the natural cover or topography of the site has been altered or otherwise disturbed, all necessary erosion and sediment control measures shall be used to retain sediment on-site and to prevent violations of water quality standards as specified in Chapter 62-302, F.A.C. The developer must provide an erosion and sediment control plan that is based on the appropriate best

management practices (BMPs) for erosion and sediment control as described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (June 2010) and the Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (latest edition). These rules and manual are hereby incorporated by reference, but shall not supersede the city's ordinances.

- (b) *All land disturbing activities:* Erosion and sediment control and tree protection measures shall be installed prior to any other construction activity and maintained until permanent groundcover is established. The escape of sediment from the site shall be prevented by the installation of erosion and sediment control BMPs prior to, or concurrent with land disturbing activities. Erosion control measures will be maintained at all times. If full implementation of the plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source by the contractor as needed. Land disturbing activities shall minimize the extent of the area exposed at one time and the duration of exposure. Effective erosion control measures shall be implemented to prevent off-site damage at all times during land disturbing activities. Perimeter control practices shall protect the disturbed areas from off-site runoff and to prevent sedimentation damage to areas below the development site. Low runoff velocities shall be maintained. All disturbed areas shall be stabilized immediately after final grade has been obtained.
- (c) *Land disturbing activities of one (1) acre or more:* All projects disturbing one (1) or more acres of land, or, in for projects within a common plan of development or sale such as a subdivision cumulatively disturbing one (1) or more acres, must obtain coverage under FDEP's Generic Permit for Stormwater Discharge from Large and Small Construction Activities, also known as a construction generic permit (CGP) pursuant to Ch. 62-621.300, F.A.C. The notice of intent (NOI), any correspondence, the acknowledgement letter granting coverage under the CGP, a copy of the CGP, erosion control plans, stormwater pollution prevention plan (SWPPP), and all completed inspection forms and other documentation required by the CGP shall be available at the site at all times and made available to the city manager, city inspectors, or designee until land disturbing activities have been completed. The contractor shall have at least one (1) person on-site at all times during work activities certified through the Florida Stormwater, Erosion and Sedimentation Control Inspector Training Program.
- (d) Land disturbance activities that encounter work interruptions of fourteen (14) days or more shall stabilize all disturbed areas.
- (e) No certificate of occupancy shall be granted until all disturbed areas have final stabilization activities completed.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2013-02, § 8, 6-10-13)

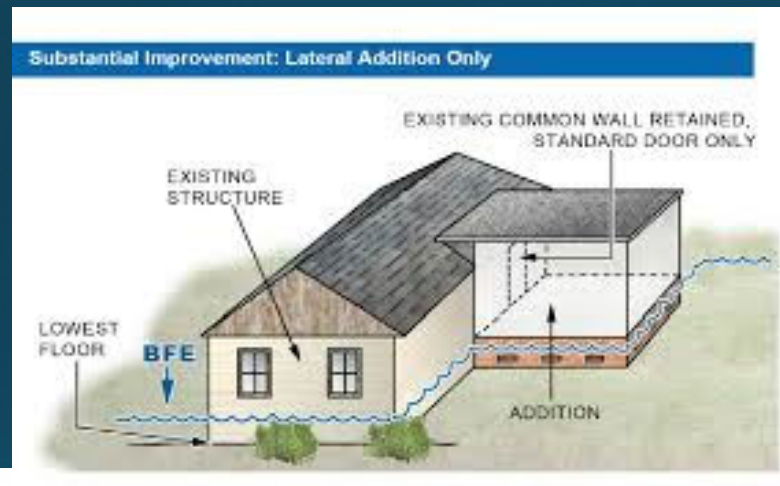
Secs. 27-521—27-530. - Reserved.

The background of the slide is a close-up, high-angle shot of teal-colored ocean waves. The water is in motion, creating a series of overlapping, undulating ridges and troughs that catch the light, giving it a shimmering, textured appearance. The color is a consistent, vibrant teal throughout.

City of Neptune Beach
Land Development Code Update

Charter

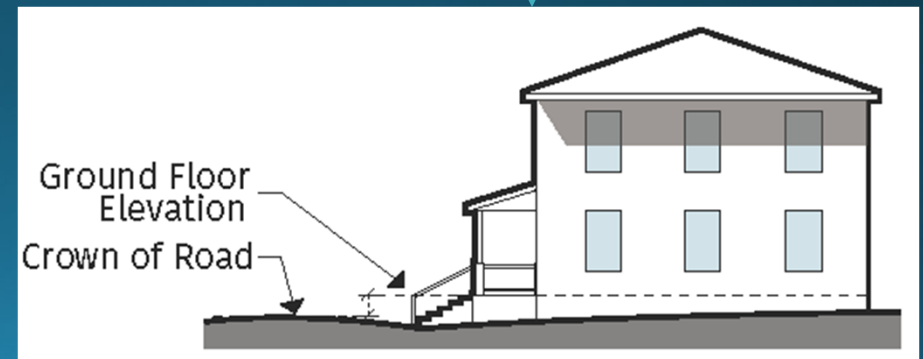
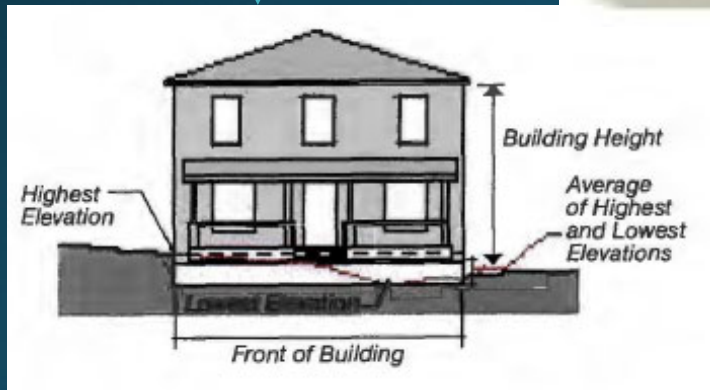
- Clarification added on how to determine the height of a structure.



BFE METHOD

CROWN OF THE ROAD METHOD

AVERAGE GRADE METHOD



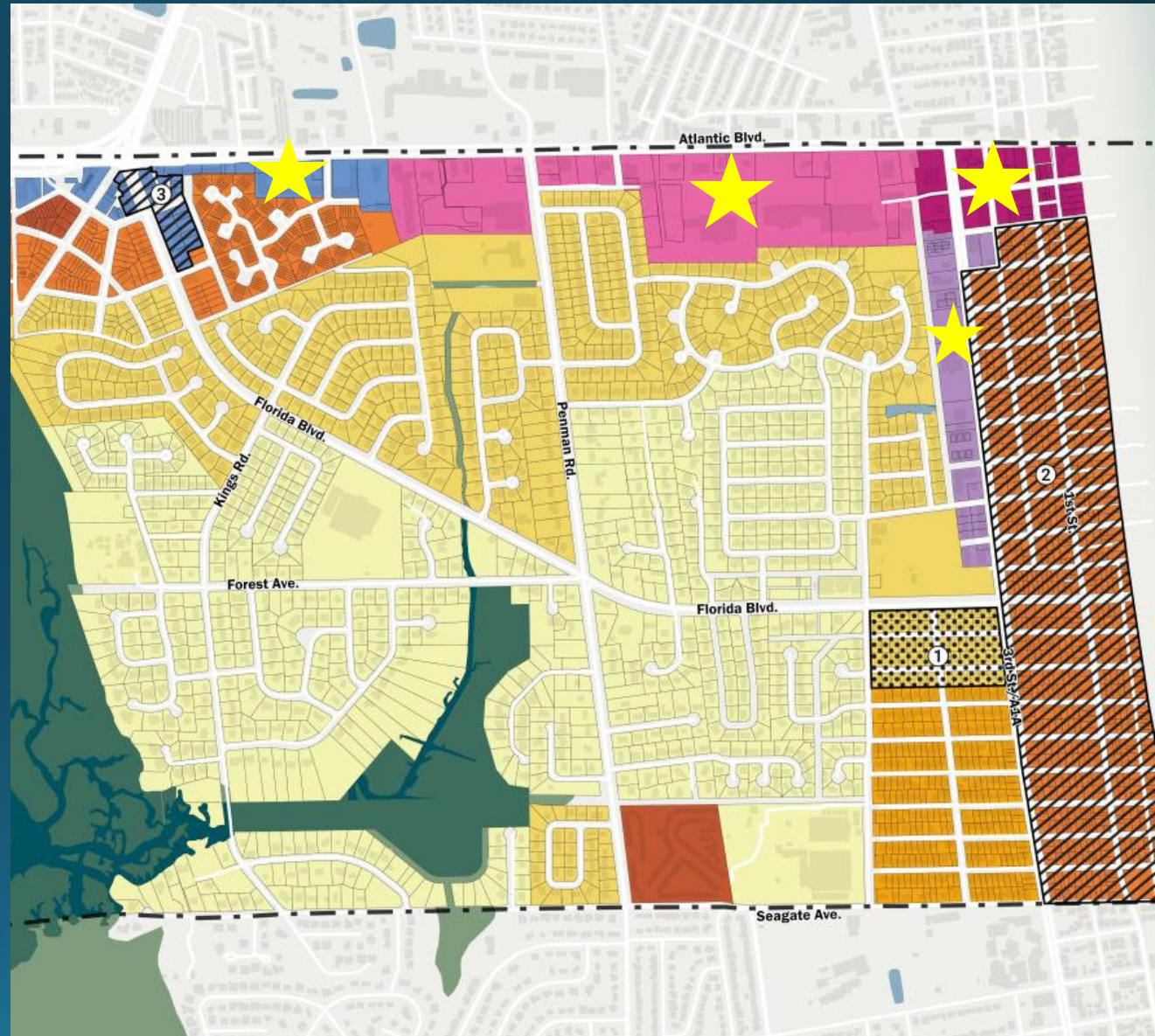
Alcoholic Beverages



- The 800 foot is inclusive of alcoholic beverage vendors, schools, or churches outside the City of Neptune Beach limits.

Sales

- Sec. 17-35 Location of Open-Air Sales and Markets and Sec. 17-36 Open-Air Market Area
 - Open air sales and markets shall only operate on private property in the CBD, C-1, C-2, and C-3 districts and special events at Jarboe Park by permit only.



Sales



- Sec. 17-37 Requirements of Plans and Specifications and Sec. 17-38 Permit
 - Permits for open air markets will require submittal of the following:
 - Layout
 - Site plan
 - Parking plan
 - Traffic control/ Ingress/Egress plans
 - Floor requirements
 - Display heights
 - Restroom facilities
 - Liability insurance
 - Pest mitigation
 - Maintenance of solid waste
 - Signage
 - Utility usage (including potable water)
 - Other information as requested by the Community Development Board
- Permits are required for open air markets. Failure to obtain is a considered a violation of the Code.

Sales



- Sec. 17-48 Food Trucks
 - Food trucks should be parked as not to cause traffic problems, and when possible, positioned on the property hosting the special event.
 - A permit is required to operate a food truck.
 - A fire safety plan is required as is a fire inspection. (This applies to all food trucks and special events where food trucks will be present)
 - Food trucks may be closed by the police, fire marshal, or building official for safety issues, violation of the permit, or violation of other city ordinances.
 - Food truck definition clarified

Streets, Sidewalks and Other Public Places

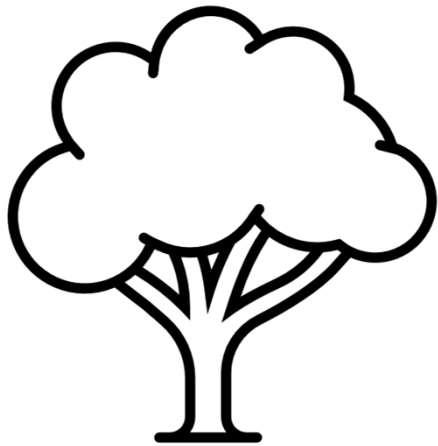


- Sec. 18-4 Use of Public Right-of-Way
 - Public Beach accesses are prohibited from any improvements under any circumstances
 - Property owners may improve rights of way adjacent to their property for driveway aprons and landscaping, so long as the landscaping does not impede public on-street parking spaces.
 - No activity will be permitted in the right of way that adversely impacts or interferes with emergency access or creates improper drainage and flooding issues
 - Right of way permit required for all work proposed in the right of way

Streets, Sidewalks and Other Public Places *(Continued)*

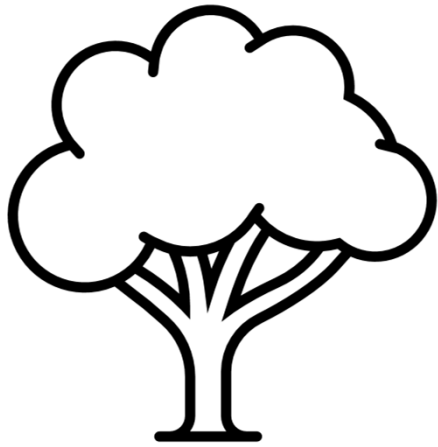
- Sec. 18-4 Use of Public Right-of-Way
 - Adjacent property owners shall be responsible for all maintenance of items placed in the right of way and shall be responsible for any repairs or make payment to the city's sidewalk construction fund or payment in lieu of construction.
 - Permittees are to hold the city harmless from any permitted or unpermitted work in the city right of way
 - Sidewalks are required to be a min of 5' wide. Larger requirements may be required for multiuse pathways.
 - Work permitted in the right of way must be completed in 6 months or an additional application is required.
 - Any replacement of existing sidewalks, walkways, driveways, patios, dining areas, or creation of the same in city right of way in the R-4 and CBD shall use pervious pavers.

Tree Protection and Landscaping



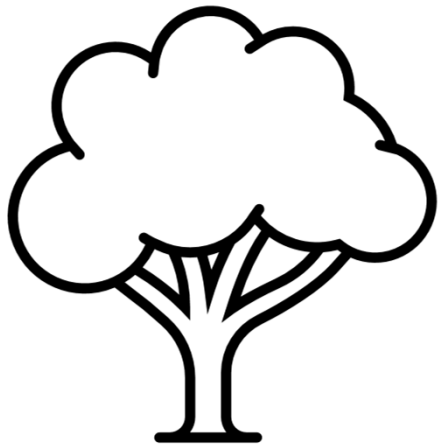
- Sec.27-442 Purpose and Intent
 - Enhance city's designation as a Tree City U.S.A by upholding the four (4) overachieving standards:
 - Maintaining a tree board or department
 - Having a community tree ordinance
 - Spending at least \$2 per capita on urban forestry
 - Celebrating Arbor Day
- Sec.27-443 Applicability
 - Special provisions for single-family or duplex lots are addressed.

Tree Protection and Landscaping (Continued)



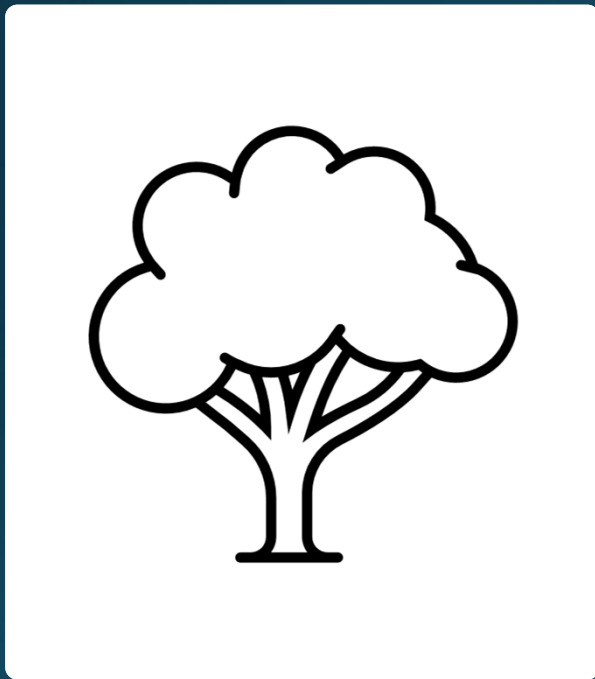
- Sec.27-444 Definitions
 - Definitions added for:
 - Caliper
 - Tree defects
 - Tree failure
 - Hazard tree
- Sec.27-445 Permit required for tree removal or relocation
 - Tree Permit required for removal
 - * Unless tree poses an unacceptable risk as outlined in Florida State Statute 163.045

Tree Protection and Landscaping (Continued)



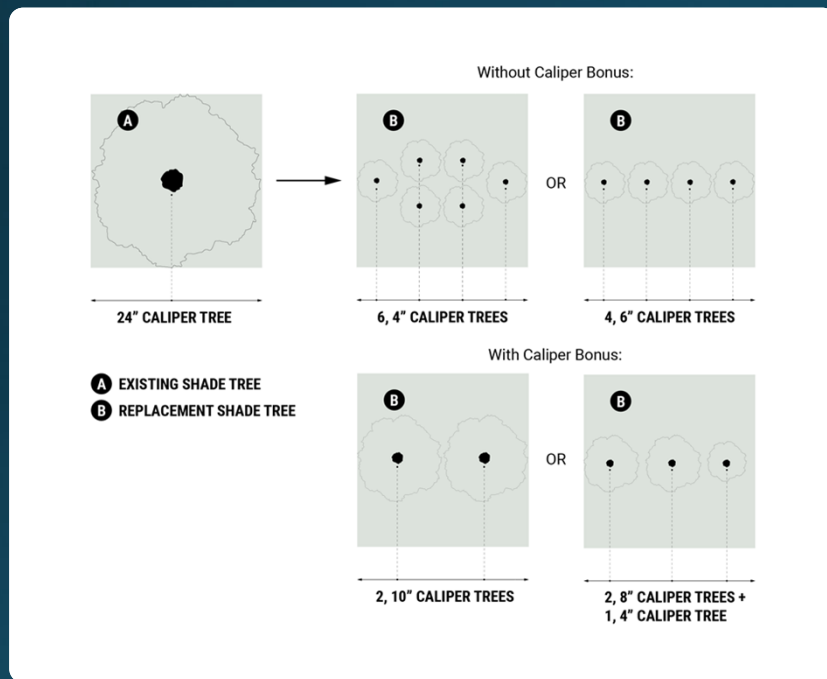
- Sec.27-445 Permit required for tree removal or relocation (*Cont.*)
 - Exceptions (No Permit Required):
 - Hazard trees identified by Certified Arborist with proper documentation per ISA standards
 - Trees to be removed or replaced subject to development plan approval
 - Any tree posing a danger to life safety, city infrastructure, or property
 - Any tree identified as a Category I or II invasive species

Tree Protection and Landscaping (Continued)



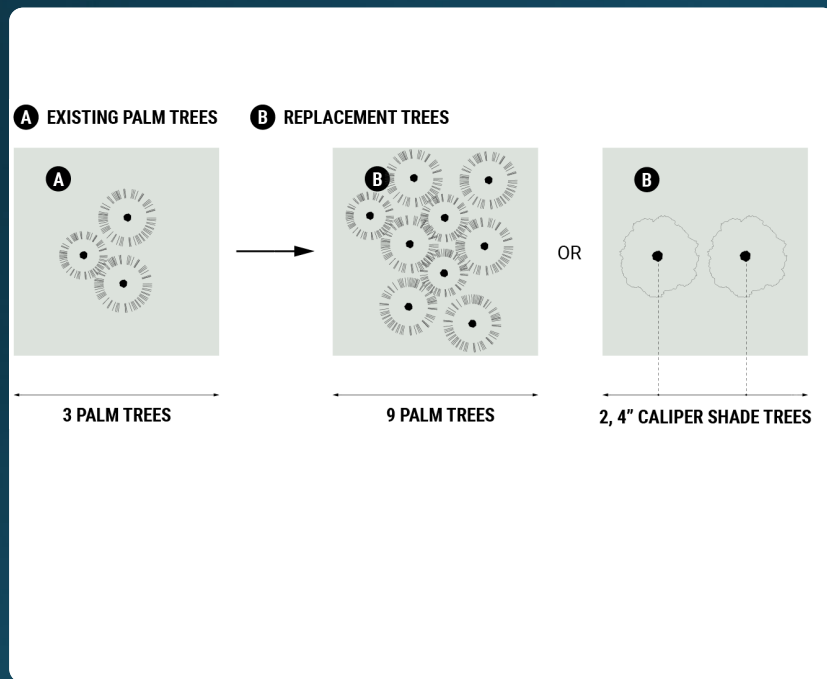
- Sec.27-446 Permit Application Procedures
 - Pruning of six-inch or larger diameter limbs on regulated trees
 - A photograph for each tree designated for removal showing its current condition
 - A site plan showing the following:
 - Existing trees (size & species) assigned with a unique ID and a proposed outcome
 - Trees for relocation should show the existing and proposed location and identify access
 - Identify champion and heritage trees to be identified
 - Location and dimension of all landscape buffers or screening areas
 - Extents of tree protection boundaries
 - Statement identifying replacement trees for removed trees
 - More documentation may be required
 - Decisions made within 10 days

Tree Protection and Landscaping (*Continued*)



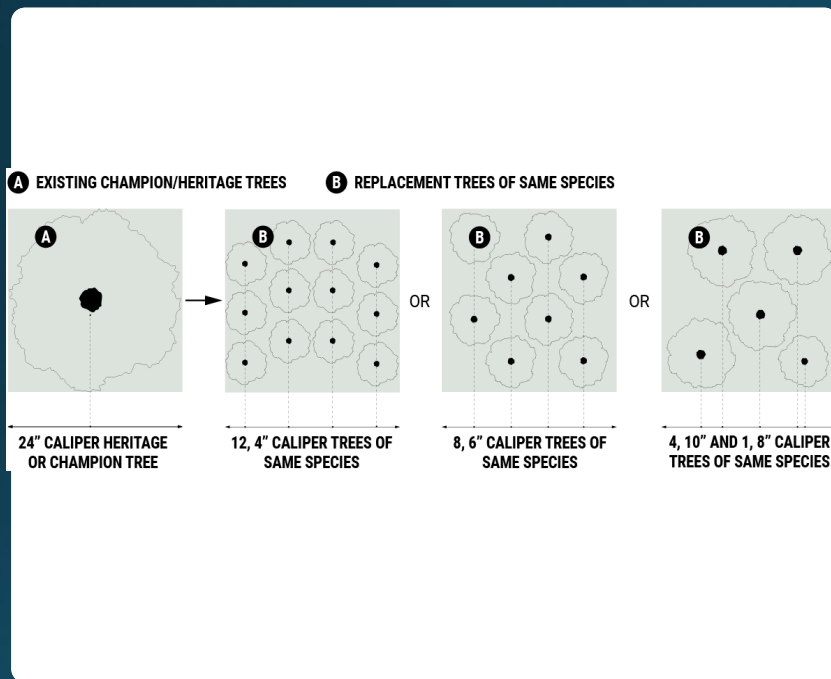
- Sec.27-447 Standards for Replacement or Relocation
 - Replacement trees a min of 4" caliper and at least 10' for shade trees or 8' for ornamental
 - Larger diameter trees to accommodate replacement is strongly encouraged (8" and above) receive a 2" bonus
 - Shade trees replaced on a 1":1" diameter

Tree Protection and Landscaping (*Continued*)



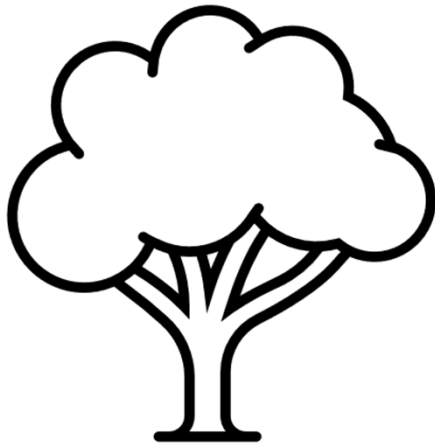
- Sec.27-447 Standards for Replacement or Relocation
 - Palm trees may be replaced on a 1:3 basis (1 tree removed and 3 palms replace) or a 2:1 basis if replacing a 2 palms with a shade tree

Tree Protection and Landscaping (*Continued*)



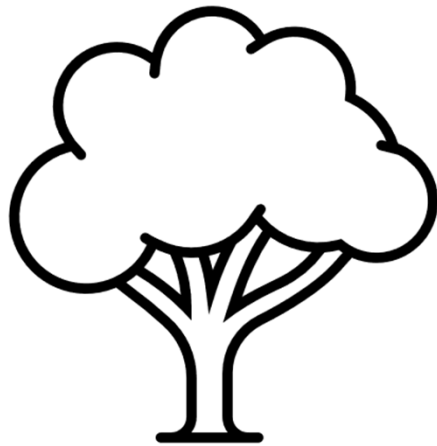
- Sec.27-447 Standards for Replacement or Relocation
 - Understory and ornamental trees replaced on an inch to inch (1:1) diameter basis with calipers to equal or surpass removed understory ornamental trees
 - Heritage/Champion trees to be replaced on a 1:2 diameter basis. Sum total of calipers must double that of removed tree(s)

Tree Protection and Landscaping (*Continued*)



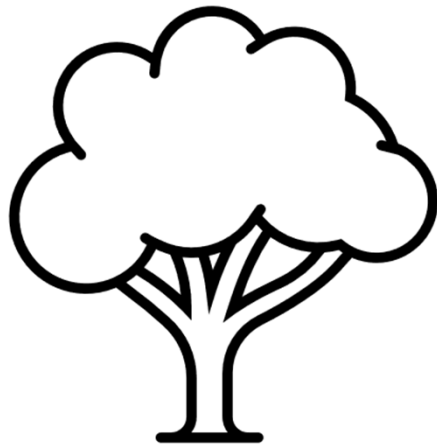
- Sec.27-447 Standards for Replacement or Relocation
 - Replacement may not be required for diseased trees being removed. Documentation of diseased trees shall accommodate all submittals
 - Trees shall be maintained. The City Manager or Designee shall require any replacement trees that die within 5 years.
 - Trees relocated within the site shall be placed as close as possible to the original tree location, except near root systems or canopies of any heritage or champion tree.

Tree Protection and Landscaping (*Continued*)



- Sec.27-447 Standards for Replacement or Relocation
 - If replacement of trees on site is not viable, the City Manger or Designee may allow the applicant to contribute to the city's tree fund.
 - Staff will evaluate locations for tree replacement out of the tree fund.
 - Existing vegetation may be credited for landscape materials
 - Credit for trees granted on inch-by-inch basis.
 - Champion and heritage trees may be granted credit on a 2 for 1 inch basis as the discretion of the city.

Tree Protection and Landscaping (*Continued*)



- Sec.27-448 Champion and heritage trees
 - Prior to removal of a tree, the owner shall give the city first right of refusal to relocate any/all heritage or champion trees
- Sec. 27-449 Tree preservation during development and construction
 - Dripline barriers shall be placed no less than 10' from the trunk of protected trees unless approved by an arborist and city manager or designee
 - Barriers for champion/heritage trees shall extend 1.5 times the extents of the dripline
 - ANSI A300 shall be used as the guidelines for tree protection and care
 - Any/all measures shall be taken to avoid soil compaction impacting protected trees during construction.

Tree Protection and Landscaping (*Continued*)

Approved Tree List– Shade Trees

Sec. 27-450



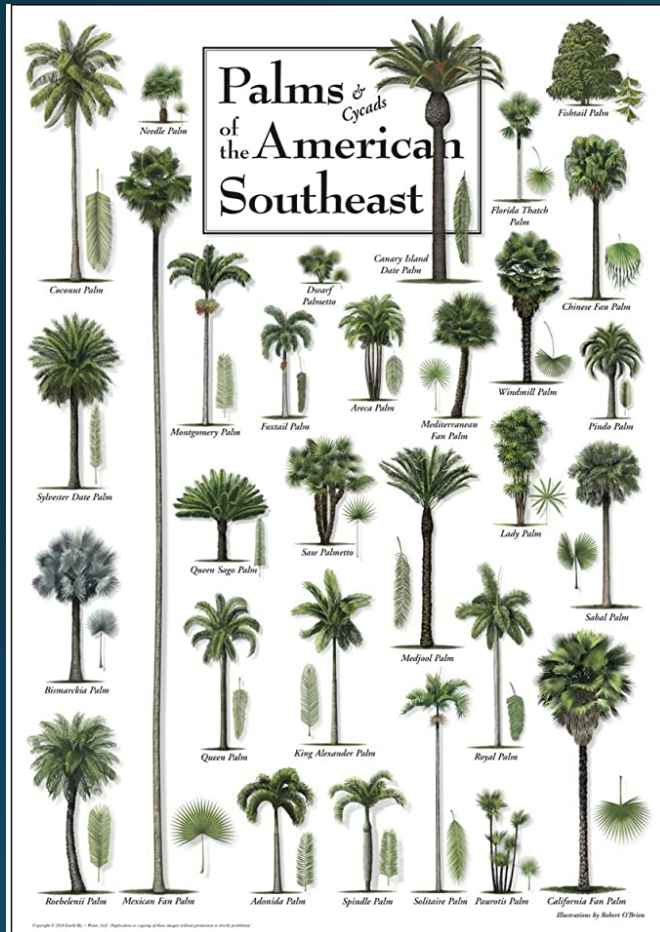
- Ash – Green, Water
- Birch River
- Bay – Loblolly
- Cedar Red
- Cypress – Bald
- Dogwood Flowering
- Eastern Redbud
- Elm – Florida
- Fringetree
- Gumbo-Limbo
- Hickory - Pecan
- Holly – Holly, Yaupon
- Magnolia – Southern, Sweetbay
- Maple – Red, Florida
- Oak – Live, Shumard Red, Turkey
- Pine – Loblolly, Long-leaf, Pond, Slash, Sand
- Sweetgum
- Sparkleberry
- Sycamore



Tree Protection and Landscaping (*Continued*)

Approved Tree List – Palm Trees

- Cabbage
- Canary Island Date
- European Fan
- Pindo
- Washington
- Windmill



Tree Protection and Landscaping (*Continued*)

Approved Tree List – Understory or Ornamental



- Cedar, Red
- Crape Myrtle
- Elm, Winged
- Flatwoods Plum
- Hickory, Pecan
- Holly – American, Dahoon, East Palatka
- Yaupon
- Jerusalem Thorn
- Loquat, Japanese Plum
- Oak – Myrtle, Sand Live
- Oleander
- Olive
- Pawpaw
- Podocarpus, Yew
- Privet – Glossy, Japanese
- Redbud
- Wax Myrtle

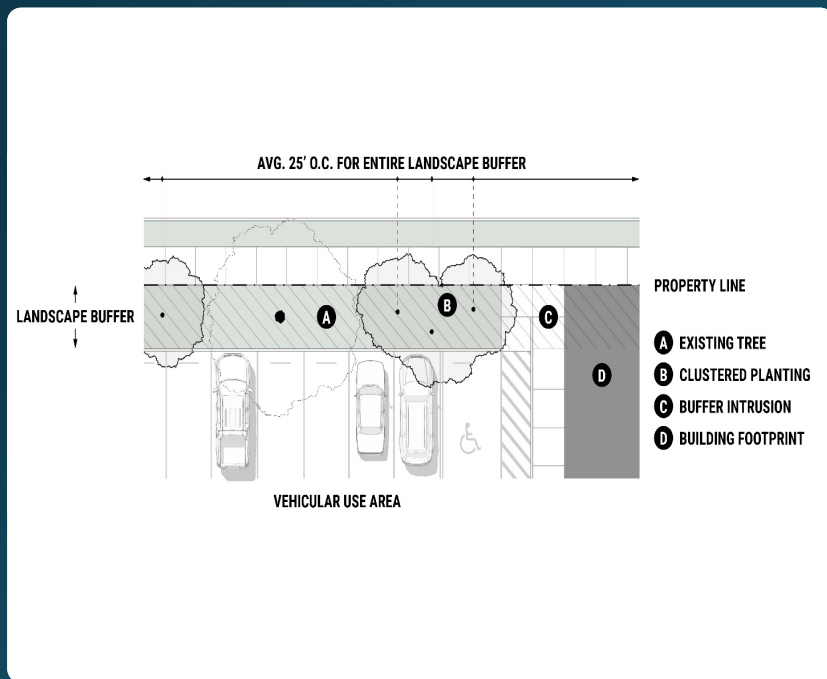


Tree Protection and Landscaping (*Continued*)



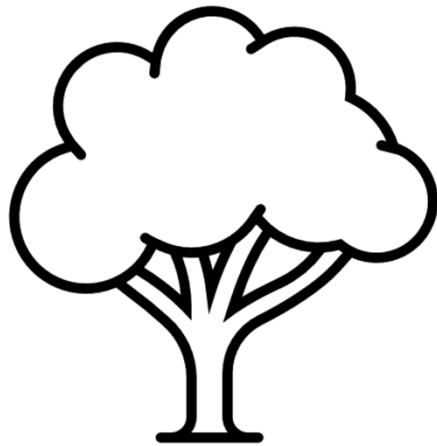
- Sec.27-452 Unauthorized Removal of or damage to regulated trees
 - Fine increased to twice the tree fund fee (\$185/caliper inch)
 - Clear cutting of land is prohibited with fines at a minimum of \$5,000
- Sec.27-455 Minimum landscape requirements
 - Gravel must be contained by a barrier from entering any transportation or stormwater system
 - A tree table shall be provided showing calculated requirements for trees to be planted

Tree Protection and Landscaping (Continued)



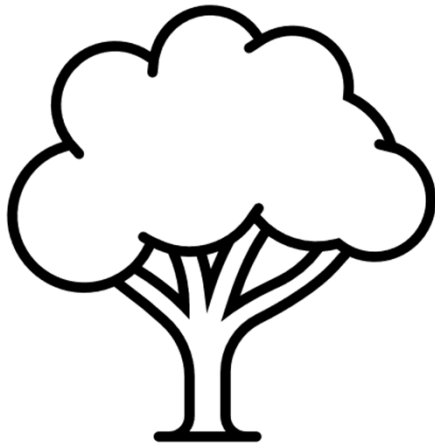
- Sec.27-456 Landscaping Buffers
 - Required between commercial and residential zoning districts.
 - Vehicular use areas and retention ponds may not be in buffer areas, though swales may be permitted on a case-by-case basis.
 - Buffers must be located along entire length of property line abutting right-of-way.
 - Vehicular use areas must be separated by a 15' landscape buffer when abutting a residential zone.

Tree Protection and Landscaping (*Continued*)



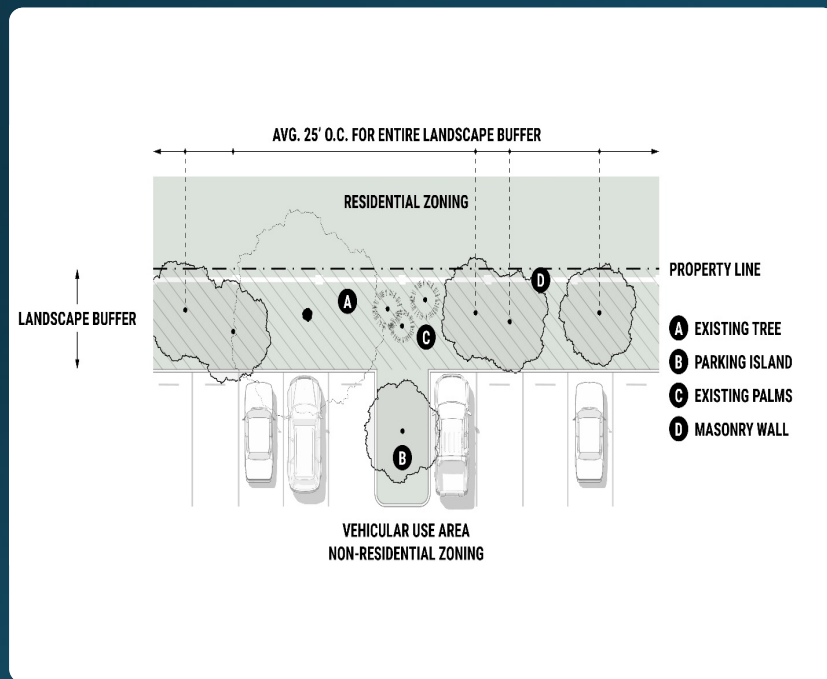
- Sec.27-456 Landscaping Buffers (*Continued*)
 - Buffers may only be intruded on for:
 - Access
 - Walkways
 - Bicycle or transportation infrastructure
 - Installation of drainage, stormwater, or utility improvements
 - Grading
 - Visibility of signage
 - Pruning of trees for visibility required by FDOT
 - Tree protection barriers
 - Removal of dead materials
 - Installation of additional landscape material
 - Clear path for Fire Department Connection of 3'

Tree Protection and Landscaping (*Continued*)



- Sec.27-456 Landscaping Buffers (*Continued*)
 - Buffers are not required for the following:
 - Properties located in the CBD
 - For Front and Side setbacks less than or equal to 10'
 - Rear lot lines shall adhere to buffer requirements
 - For side lot lines where a residential lot abuts a residential lot
 - When required buffer would be in conflict with utility installations
 - Area may be planted with shrubs and understory trees

Tree Protection and Landscaping (Continued)



- Sec.27-456 Landscaping Buffers (Continued)
 - Buffer requirements
 - (1) shade tree every 25' of frontage
 - Opaque screen (min 75%) composed of plant materials or combination of plant materials and masonry walls
 - Shrubs used in vehicular areas must be at least 3' in height or 6' for areas abutting residential zones
 - A 6' masonry wall may be substituted for the shrub screen
 - Interior landscaped areas are required for terminal parking islands, divider medians, and T-Section islands
 - (1) landscaped island per 10 parking spaces

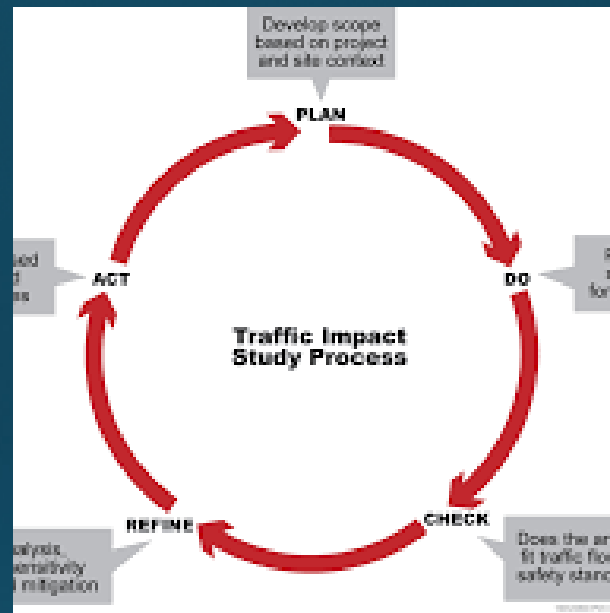
Tree Protection and Landscaping (*Continued*)



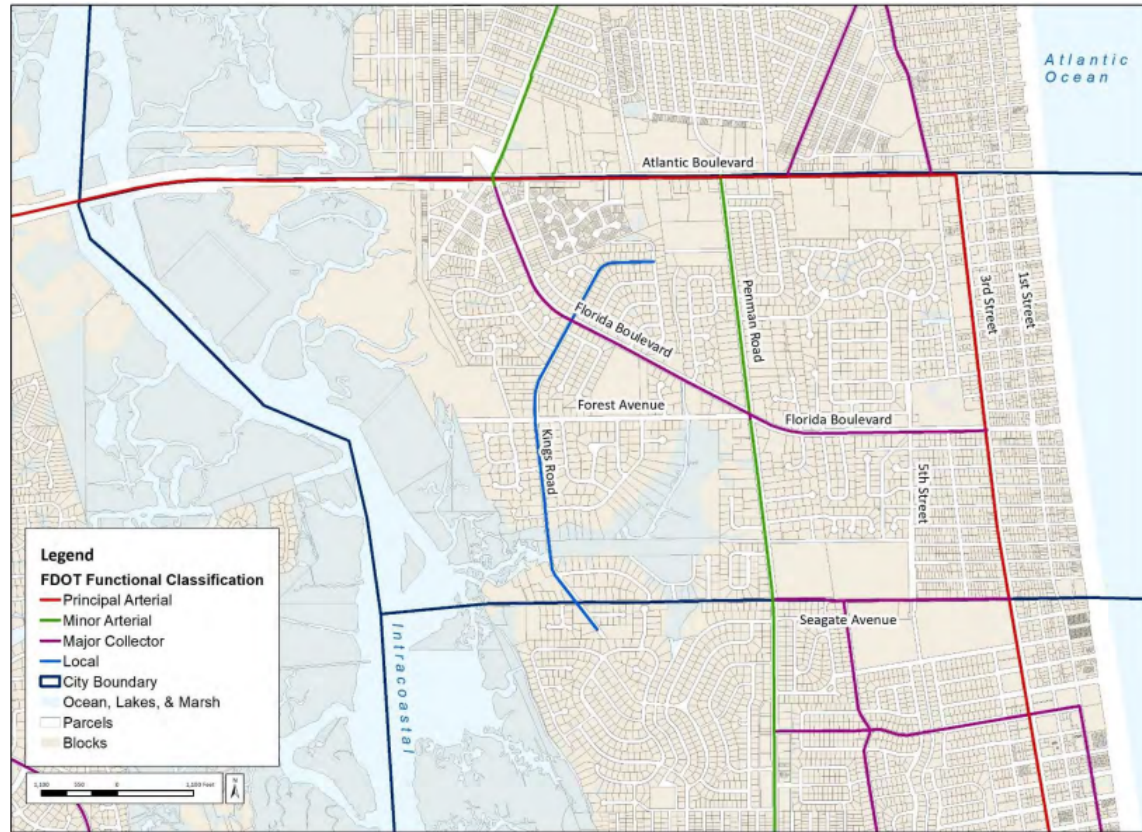
- Sec.27-457 Residential Landscape Requirements
 - (1) shade tree per 3,000 sqft of lot with a max of 10 new trees for the construction of 1 single family dwelling or duplex.
 - (1) street tree planted within 5' of the right-of-way for every 45 linear feet of frontage
- Sec.27-458 Tree Conservation and Trust Fund
 - \$185.00/caliper inch of trees removed to offset or mitigate removal of qualifying tree (or replacement trees are unsuitable for the site)

Streets, Sidewalks, and Rights-of-Way

- Sec.27-472 Definitions
 - Driveway
 - Driveway Apron
 - Intersection
 - Roadway
 - Parking
 - Sidewalk
 - Traffic Impact Study



Map B-1 Existing Functional Classification Map



Streets, Sidewalks, and Rights-of-Way (Continued)

- Sec.27-474 Developer Improvements Requirements
 - Roadway, including any on-street parking and pedestrian way construction
 - Site related intersection modifications within 500 feet of the property, or additional distance as determined by traffic impact study.
- Sec.27-475 Street Classification
 - Functional classifications are in the Transportation Element of the Comprehensive Plan (ref Map B-1)

Roadway Dimensions			
	Arterial	Collector	Local
Subgrade thickness (inches)	12	12	12
Pavement Base thickness (inches)	10	10	8
Pavement thickness (inches) (S-I)	3	2	1.5
Surface Course (inches) (S-III)	1	1	1
Pavement Lane Width (feet)	11*	11*	10*
* Represents minimum lane widths			

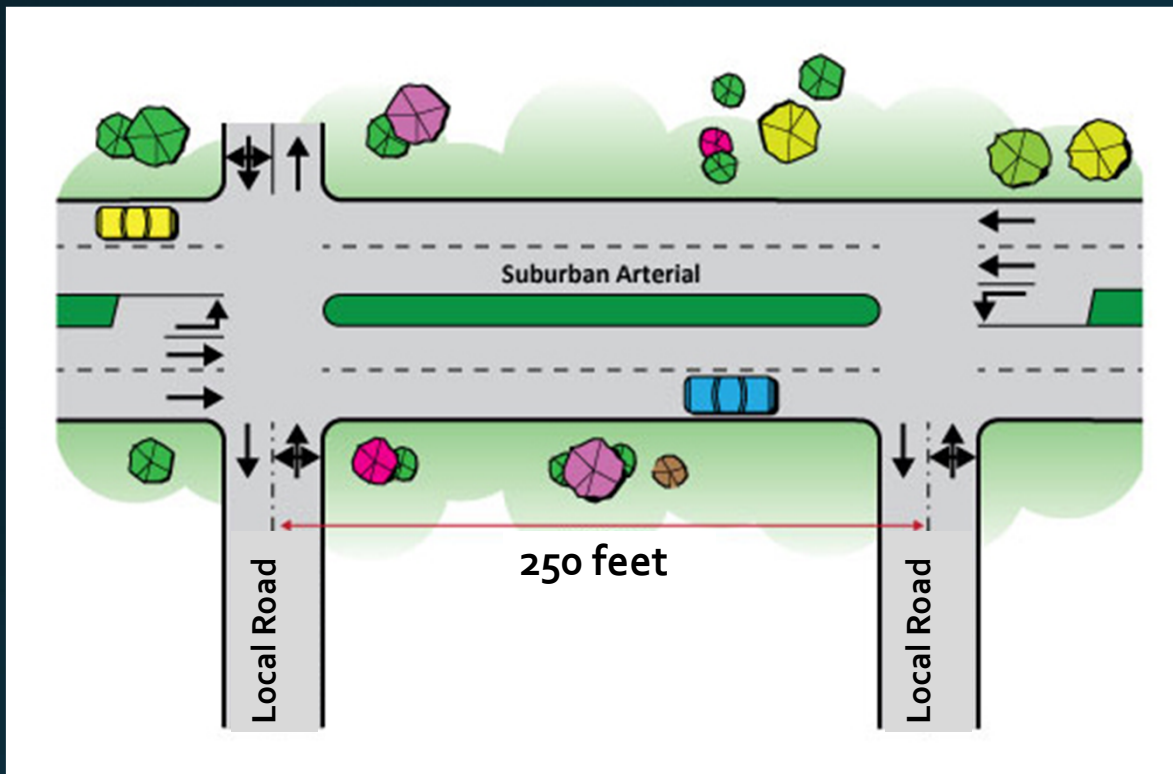
Streets, Sidewalks, and Rights-of-Way (Continued)

- Sec.27-476 Street Design Standards
 - Roadway subgrade built using Lime Rock Bearing Ration of 40lbs/in
 - Base construction to use solid lime rock, soil-cement, crush-crete, graded aggregate base, black base, crushed shell, or sand bituminous road mix.
 - Solid limerock is not preferred and should be avoided if possible.

Streets, Sidewalks, and Rights-of-Way (*Continued*)

- Sec.27-476 Street Design Standards (*Continued*)
 - Cul-de-sacs:
 - Shall not exceed 500' from the center of the turn around to the nearest intersection
 - Not permitted in R-3, R-4, R-5, C-1, C-2, C-3, and CBD Districts
 - *Alleys:
 - Shall be provided whenever possible at the rear lot lines of all business and commercial subdivisions
 - Minimum Stormwater Management Requirements
 - Curbs and gutters shall be constructed along edges of all street pavements for new development and redevelopment

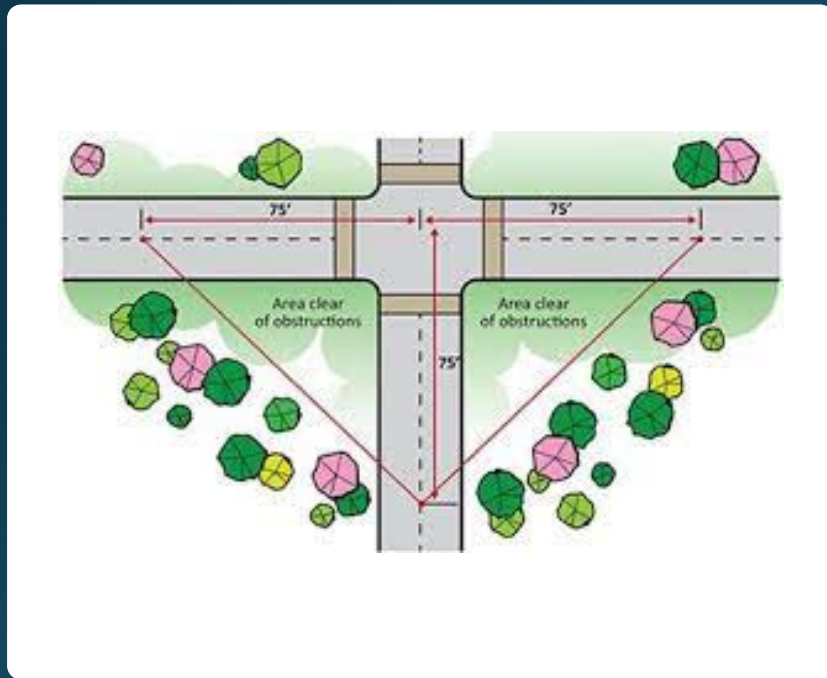




Streets, Sidewalks, and Rights-of-Way (Continued)

- Sec.27-4.76 Street Design Standards (Continued)
 - No (2) local streets may intersect with any other local street on the same side at a distance of less than 250' measured from centerline to centerline

Streets, Sidewalks, and Rights-of-Way (Continued)



- Sec.27-476 Street Design Standards
(Continued)
 - Single right or left turn lanes with min taper of 50' shall be design to store number of vehicles determined by TIS
 - Lower volume areas shall require a 4-car queue in urban areas and 2-car queue in suburban areas
 - Clear visibility triangles are required
 - Nothing to be erected, placed, parked, planted or allowed to grow to impair vision between a height of 2' and 8' above grade measured from the centerline of the intersection

Streets, Sidewalks, and Rights-of-Way (Continued)



- Sec.27-476 Street Design Standards
(Continued)
 - Clear visibility triangles are required
 - Traffic and utility poles must maintain a distance between street centerlines of various road classifications
 - Accessway intersecting accessway – 10'
 - Accessway intersecting ROW – 15'
 - ROW intersecting ROW – 35'
 - Developer to provide all necessary roadway signs, pavement markings, and signalization required
 - New Developments will require stop bars painted with thermoplastic and reflective materials

Streets, Sidewalks, and Rights-of-Way (Continued)



- Sec.27-477 Dedication of Streets
 - Public streets dedicated to the city must comply with all local standards, dedication language, city ordinances, and be free of any variances or contingencies.
- Sec.27-475 Dedication of Right-of-Way
 - No encroachment shall be permitted into existing right-of-way, except for temporary and conditional use authorized through a Right-of-Way Permit
 - City is not responsible for any damage to private improvements within the public right-of-way.
 - Private use of public right-of-way at beach access points shall not be permitted under any circumstances
- Sec.27-479 Sidewalks and bikeways
 - Sidewalks on public rights-of-way shall be a minimum of 6' wide and have early detection plates in accordance with ADA standards

Streets, Sidewalks, and Rights-of-Way (Continued)

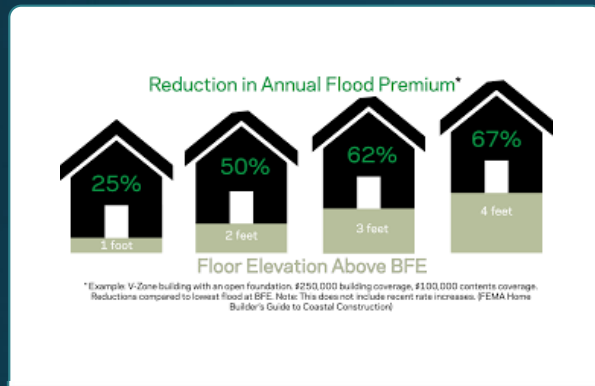
- Sec.27-480 Driveway Aprons and Pavement Material
 - Gravel, crushed shell and other non-asphaltic or nonconcrete driveways are permitted in residential and natural areas subject to approval by the city manager or designee. Wood chip driveways are expressly prohibited.



Stormwater Management and Erosion Control

- 27-517 Exemptions

- Construction on CBD properties on a parcel less than 1/3rd of an acre or up to one-half acre with less than (9,000 square feet of impervious or semi-impervious area not part of a larger common plan of development or sale)
- Stormwater management must include the 5-year and 25-year twenty-four-hour duration storm event.
- Minimum FFE shall be 12" above the crown of the road, unless in a special flood hazard zone, additional FFE may be required.
- Garage floor elevations shall be 4" above the crown of the road with the driveway sloping down and away from the garage entry, unless special drainage or floodproofing measures have been put into place.
- Special flood hazards will be required to elevate 2' above the BFE.



Questions

