



Meeting Link:  
<https://attendee.gotowebinar.com/register/5621250320877555215>  
Parking Code: SF64

**AGENDA**  
**CITY COUNCIL WORKSHOP MEETING**  
**Monday, April 18, 2022, 6:00 PM**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE
3. DEPARTMENTAL SCORE CARD p. 2
4. COMMITTEE REPORTS
  - A. Charter Review
  - B. Finance
  - C. Land Use and Parks
5. PUBLIC COMMENTS
6. PROPOSED ORDINANCES / NONE
7. CONTRACTS / AGREEMENTS / NONE
8. ISSUE DEVELOPMENT
  - A. Application for Traffic Calming – McCollum Circle(Cedar Street to Valley Forge Rd E.) p. 18
  - B. Neptune Beach Senior Activity Center Final Rendering Discussion p. 29
  - C. Resolution No. 2022-05, A Resolution of the City of Neptune Beach, Florida, Modifying p. 35  
Parking Rates and Availability to Neptune Beach Residents
  - D. Dancin' in the Streets Event – May 21, 2022 p. 38
  - E. Council Discussion and Review of Draft Land Development Code Changes Regarding: p. 40
    - Chapter 8 - Buildings and Building Regulations, Article VII, Coastal Construction Code
    - Article V - Accessory Structure and Uses
    - Article VI - Concurrency
    - Article VII - Protection of Potable Water Wellfields
    - Article XIII - Parking and Loading
    - Article XV - Advertising
    - Article XVIII - Nonconforming Lots, Structures, Uses, and Signs
9. PUBLIC COMMENTS
10. COUNCIL COMMENTS
11. ADJOURN

**CITY OF NEPTUNE BEACH  
DEPARTMENTAL SCORE CARD  
(REVISED 04/13/2022)**

**Dept. Score Card**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>CITY MANAGER'S OFFICE</b>					
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
<b>FINANCE DEPARTMENT</b>					
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	Sr Supervisory Accountant & AP/Payroll Accountant		3/25/2022	Ongoing	
New Banking Services	Move all city Cash Deposits to new bank.		3/1/2021	In progress	
Reconciling Cash for Audit	Ongoing		4/5/2022	In progress	
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.	
Compile OPEB Data for Actuaries	Open Until Completion of FY20 Audit		7/1/2021	Open	Completed by MP

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<b>FINANCE DEPARTMENT</b>					
Distribute 2016-2019 Unclaimed Property to State	Completed		5/26/2021	Completed	Completed 6/2021
Advertise RFP for Auditing Services	Open		TBA	Open	TBD
<b>PLANNING AND COMMUNITY DEVELOPMENT</b>					
Building Department Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	4/11/2022	Ongoing
Code Enforcement Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	4/11/2022	Ongoing
Commercial Fire Inspection Activity (see CM report for February 2022)	Updated Monthly in the City Manager's Report	N/A	ongoing	4/11/2022	Ongoing
April Community Development Board Meeting	Meeting to be held April 13, 2022 to discuss a Variance for a boat carport, Special Exception for a massage therapist in the CBD, and the remaining portion of the LDC.	N/A	ongoing	4/11/2022	4/13/2022
Phase III: First Draft Land Development Code- <b>Internal</b>	Received last sections of LDC from DK on 4/6/22. Last section is going to the boards for discussion. Matrix of changes is being drafted.	N/A	ongoing	4/11/2022	ongoing
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	N/A	ongoing	3/9/2022	3/1/2022
Phase III: First Draft Land Development Code- <b>Public</b>	Last section of the LDC is going before the CDB on 4/13/22 and City Council on 4/18/22.	N/A	2/9/2022	4/11/2022	4/18/2022
Phase III: Code Testing	DK is working on Code Testing currently. However, preliminary items sent to staff include the original code language which is being	N/A	ongoing	4/11/2022	TBD
Phase III: 1st Draft Code Workshop	The first draft code workshop is slated for May 11th with the CDB and May 16th for City Council. However, these dates may change based on the revisions to be made by DK	N/A	ongoing	4/11/2022	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	4/11/2022	TBD
Phase III: Review of Public Comments	Ongoing...Public comments and questions are being addressed daily as they come in.	N/A	ongoing	4/11/2022	TBD
Phase III: Code Revisions and Final Draft LDC	5/16/22 possibly 6/16/22	N/A	ongoing	4/11/2022	TBD
Phase III: Presentation of Final Draft LDC	5/16/22 possibly 6/16/22	N/A	ongoing	4/11/2022	TBD
Phase III: Final Document Revisions	6/30/2022	N/A	ongoing	4/11/2022	TBD
Phase III: Public Hearing Presentation	7/5/2022	N/A	ongoing	4/11/2022	TBD

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<b>PLANNING AND COMMUNITY DEVELOPMENT</b>					
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 city wide fee resolution to be presented at the April 18, 2022 Workshop	N/A	3/9/2022	4/11/2022	4/4/2022
<b>GRANTS &amp; RESILIENCY</b>					
Jarboe Park Phase 1 - Tennis, Pickleball & Volleyball Courts - Construction	Concrete pours for path connections to Fifth St scheduled for 3/16/2022 and 3/30/2022		1/1/2021	4/13/2022	Completed
Jarboe Park Phase 1 - Tennis, Pickleball Courts & Volleyball Courts - Opening	Landscaping -4/1/2022 to 4/8/2022		1/1/2021	4/13/2022	In progress
Jarboe Park Phase 1 - Tree Planting Plan	Planting Plan approved by COJ Tree Commission on 12/15/2021		1/1/2021	4/13/2022	Completed
Jarboe Park Phase 1 - Tree Planting	Planting tentatively scheduled for April/May 2022		1/1/2021	4/13/2022	In progress
Jarboe Park Phase 1 - Court Shade Structures	Poles installed 1/28/2022, Shades installed on 2/28/2022 - Volleyball Court opened week of 4/4/2022		1/1/2021	4/13/2022	Completed
Resiliency Lab at Jarboe Park - MOU	MOU with Smart North Florida executed on 2/15/2022		8/1/2021	4/13/2022	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	4/13/2022	In progress
Resiliency Lab at Jarboe Park - Pilot Technologies Identification	City Council approved Storm Sensor project on 2/7/2022, Sensor installed on 3/24/2022 - Demo scheduled for 4/14/2022		8/1/2021	4/13/2022	In progress
COJ Florida Blvd Rapid Rectangular Flashing Beacon	Beacon installed on 12/2/2021 - Follow up with COJ Traffic Engineering on 3/9/2022, installation of advance signage and stop line pavement markings week of 3/21/2022		8/1/2021	4/13/2022	Completed
COJ Penman Road Complete Streets Project Study	Community Meeting on 12/15/2021 - study scheduled for completion by Fall 2022		10/1/2021	4/13/2022	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	4/13/2022	In progress

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<b>POLICE DEPARTMENT</b>					
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	Review of Final Draft	N/A	1/3/2022	Active	In progress
Firehouse Public Safety Grants	Grant Submission Started, Awaiting Financial Information to Submit	\$19,000	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, Phase 1 Deployment Complete	\$5,000.00	7/13/1905	Active	In progress
Replacement of Totaled Police Vehicle	Vehicle Arrived @ Upfitters Upfit Pending Equipment Arrival	\$45,000.00	11/30/2021	Active	In Progress
Auction Surplus Vehicles and Equipment	Several Vehicles Sold - Pending Funds & Pickup	N/A	1/3/2022	Active	In Progress
<b>PUBLIC WORKS DEPARTMENT</b>					
Florida Blvd. Culvert Replacement Project	<p>In Construction:</p> <ul style="list-style-type: none"> <li>- AT&amp;T relocated its facilities in conflict with the project as of 1/10/2022.</li> <li>- The City's Contractor submitted Change Order No. 1 for additional MOT cost that would add \$7,476.60 to the project.</li> <li>- On site coordination meeting with Contractor on 1/19/2022 to discuss water main relocations.</li> <li>- The City's Contractor submitted Change Order No.2 for additional MOT used during ATT relocations that would add \$17,105.10 to the project.</li> <li>-With these change orders the project remains below the total bid price of \$996,754.49 approved during the July 19, 2021 Council meeting that included a \$75,000 Buyers Contingency Allowance for small change orders.</li> <li>- Monthly progress meeting with the Contractor on 2/17/2022.</li> <li>- The City submitted an Invoice to AT&amp;T for additional costs incurred as a result of AT&amp;T's relocations.</li> <li>- On 2/24/2022 Supplemental Agreement No. 1 was executed with Adurra as the post-design phase Engineer.</li> <li>- With the Contractor's Application for Payment No. 6 the project is 65% completed.</li> </ul>	<p>Original Contract Price: \$921,754.49 Change Orders: \$24,581.70 Contract Price incorporating Change Orders: \$946,336.19</p>	August 10, 2021	June 01, 2022	On-going

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<b>PUBLIC WORKS DEPARTMENT</b>					
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. - Consultant scheduling final round of review with the City's new Water and Wastewater Plants Division Chief.	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, 3/18/2022, & 3/31/2022 to work on flow projections for submittal to the SJRWMD.	Consulting Fee: \$421,000	January 07, 2022	July 30, 2023	On-Going
Phase I WWTF improvements to address the Consent Order	- 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 sampled various locations at the WWTF March 3. - Consultant coordinating with FDEP on requesting consent order modifications. - Progress meeting with the City's Consultant on 3/3/2022. - Consultant has a site visit on March 16 verifying existing conditions. - Coordination meeting with the City's Consultant on 3/18/2022. - Coordination meeting with the City's Consultant on 3/31/2022.	Consulting Fee: \$412,096.43	December 09, 2021	July 30, 2023	On-Going

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<b>PUBLIC WORKS DEPARTMENT</b>					
Stormwater strategic planning	<ul style="list-style-type: none"> <li>- Kick-off meeting held on December 21, 2021</li> <li>- Coordinated the public engagement meeting</li> <li>- Prepared public notice and coordinating advertisement of public meeting</li> <li>- Scheduled Public Outreach Meeting on March 30, 2022 from 5pm to 7pm.</li> <li>- Conducted a site visit with the City's Consultant of the City Council Chambers to plan layout for the Public Outreach meeting.</li> <li>- Held review meetings with Consultant on 3/10/2022, 3/16/2022, and 3/18/2022 to prepare for the Public Outreach meeting.</li> <li>- Held Public Outreach meeting to collect public input as a stakeholder in the planning process.</li> </ul>	Consulting Fees: \$252,817	December 09, 2021	September 30, 2022	On-Going
MS4 compliance and annual report	<ul style="list-style-type: none"> <li>-The Supplemental Agreement for the consulting services was approved during the January 3, 2022 Council meeting.</li> <li>- Annual BMAP updates prepared and sent to FDEP</li> <li>- Staff collecting annual MS4 documents and sending them to the Consultant</li> <li>- Staff requesting documents from City Vendors</li> <li>- Coordination meeting with City's consultant on 2/11/2022</li> <li>- City's consulatn analyzed data and prepared draft MS4 report.</li> <li>- Reviewed the draft report with the City's consultant on 3/11/2022, 3/23/2022, &amp; 3/28/2022 and made revisions as necessary.</li> <li>- Submitted the completed MS4 annual report to the FDEP on 3/28/2022.</li> </ul>	Consulting Fees: \$19,000	January 07, 2022	September 30, 2022	On-Going
Emergency gravity sewer main repairs on Forest Ave.	<ul style="list-style-type: none"> <li>- Purchase Authorizations for pipe bursting and bypass pumping authorized on January 4, 2022 and sent to IPR and Holland.</li> <li>- Existing effluent line found in conflict with the pipe bursting entrance pit excavation and needed temporary re-routing.</li> <li>- Pipe bursting started on 2/9/2022, but the pull stopped near halfway.</li> <li>- Contractor attempting to tie in the east end of the pipe. Contractor dug down onto the pull head where it stopped and found section of DIP.</li> <li>- D&amp;C passed out a project update memo to residents on 2/17/2022.</li> <li>- The Contractor pulled the second half of the pipe.</li> <li>- The Contractor tied in the sections of pipe.</li> <li>- Manholes repaired and rehabed.</li> <li>- Site restorations including site clean-up, sodding, &amp; pavement repairs.</li> </ul>	Purchase Authorizations Amount: \$380,766.96	January 04, 2022	TBD	On-going

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<b>PUBLIC WORKS DEPARTMENT</b>					
SB 64 planning	<ul style="list-style-type: none"> <li>- 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.</li> <li>- January 5, 2022 FDEP notified Public Works that we 84 days to submit an approvable cover letter and plan.</li> <li>- Requested the Consultant contact FDEP to discuss the notice and options.</li> <li>- Beaches coordination meeting on 1/20/2022.</li> <li>- City's consultant working on proposal to bring to the 2/22/2022 City Council meeting.</li> <li>- Coordination with the City's consultant drafting memo for an RAI response to the FDEP.</li> <li>- Finalize memo response to the RAI</li> <li>- Submite RAI response to the FDEP on 3/29/2022.</li> </ul>	Consultant Fees: TDB	TBD	March 30, 2022	Planned
Pavement assessment program (Roadbotics)	<ul style="list-style-type: none"> <li>- Mobility Management is assisting Public Works</li> <li>- The City sent Roadbotics a GIS file of the road line work</li> <li>- Currently driving roads using Roadbotics</li> </ul>	Software as Service Cost: \$4,000/yr	October 08, 2021	September 30, 2022	On-going
City Signage Inventory (AgileMapper)	<ul style="list-style-type: none"> <li>- Planning to start the City signage inventory after the pavement assessment is completed</li> </ul>	Software as Service Cost: \$5,000/yr	October 14, 2021	September 30, 2022	Planned
Water Tower Repairs and Maintenance	<ul style="list-style-type: none"> <li>- Coordination meeting with Utility Services/Suez on February 2, 2022.</li> <li>- Utility Services/Suez action items include: planning the phasing of the work to minize road closures, use the limited space available neat 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.</li> <li>- Utility Services/Suez inspected the water tower and performed a wash-out of the interior on 2/24/2022.</li> </ul>	TBD	Tentatively starting May 2022 and ccompleting in August 2022 so the majority of the work is done while school is out.	TBD	Planned



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<b>SENIOR ACTIVITY CENTER</b>					
CDBG Contract 2022-2023	Grant Submitted	Requesting \$44,895	10/1/2022	IN PROCESS	9/30/2023
Senior Activity Center pack/move equipment	ongoing	NA	1/3/2022	ON-GOING	Completion April 30
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 RPROCESS	8/1/2022
Procurement of equipment/supplies/furniture	ongoing	\$90,000	9/1/2021	IN PROCESS	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
Install internet & phone lines	Comcast on going	\$150.00	2/14/2022	NA	On going
Conference with RFP award contraactor	TBD	NA	Late March	TBD	Mid May 2022
Easter Bunny Ride thru Town	4/16/2022	700			Planned
Jacksonville Beach Womans Club Grant Request	Submitted	\$5,000.00			5/1/2022
Eckstein Grant Application	Submitted	\$100,000.00			Late Summer
Scwartz Charitable Grant Application	Submitting mid-April	\$5,000.00			Late Summer
Day Trip	Van Gogh Exhibit				5-Nov
HEAL SURF CAMP	PLANNING, COORIDINATING				JUNE 14-15, 2022
<b>MOBILITY MANAGEMENT</b>					
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

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<b>MOBILITY MANAGEMENT</b>					
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
<b>INFORMATION TECHNOLOGY</b>					
Updating the backup infrastructure	In Progress	N/A	10/11/2021	4/7/2022	In Process
Creating documents according to the CM and the interim CFO's instructions	In Progress	N/A	10/5/2021	4/7/2022	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	10/5/2021	4/7/2022	In Progress
Tyler Technologies Incode Financial Implementation	We've been working on the Tyler Incode 10 test environment	N/A	10/5/2021	4/7/2022	In Progress
Working on the server upgrades project	Phase one negotiating and getting price quotes	N/A	10/5/2021	4/7/2022	In progress
Computer upgrades	All required quotes have been received and submitted	N/A	10/5/2021	4/7/2022	In progress
Server upgrades	All required quotes have been received and submitted	N/A	10/5/2021	4/7/2022	In progress
Phone setups and distribution	In Progress	N/A	4/1/2022	4/7/2022	in progress
Submitted by the City Manager on April 18, 2022					

## Building 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	114	87	198	\$21,505.98	6	\$6,447,016
Apr-22						
May-22						
Jun-22						
Jul-22						
Aug-22						
Sep-22						
<b>Totals</b>	<b>652</b>	<b>454</b>	<b>1012</b>	<b>\$131,740.18</b>	<b>35</b>	<b>\$19,793,082</b>

50 public records request for permit history processed

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	148	95	199	\$19,042.59	10	\$2,598,077
Apr-21						
May-21						
Jun-21						
Jul-21						
Aug-21						
Sep-21						
<b>Totals</b>	<b>631</b>	<b>430</b>	<b>807</b>	<b>\$96,427.79</b>	<b>43</b>	<b>\$11,776,445</b>
<b>Difference</b>	<b>21</b>	<b>24</b>	<b>205</b>	<b>\$35,312.39</b>	<b>-8</b>	<b>\$8,016,637</b>



# Code Enforcement Report

## Case Report

03/01/2022 - 03/31/2022

Case #	Case Date	Description of Violation	Parcel Address
2022047	3/24/2022	working without permit. removing patio to install pavers	1131 HAMLET LANE E
2022046	3/10/2022	Still on septic tank	2135 ROSEWOOD DRIVE (DUPLEX)
2022045	3/8/2022	PARKING RV IN FRONT YARD FACING LORA STREET	1701-1703 THIRD STREET

Total Records: 3

4/6/2022

**Fire Marshal Report**

Fire Marshal Report - March 2022						
Annual Inspections						
3/21/2022	630 # 2	Atlantic Blvd	Publix Liquor			2
3/21/2022	630 # 3	Atlantic Blvd	Neptune Beach Cleaner			2
3/21/2022	630 # 4	Atlantic Blvd	Vacant			2
3/21/2022	630 # 5	Atlantic Blvd	Luyx Nails			2
3/21/2022	630 # 6	Atlantic Blvd	AT&T			2
3/21/2022	630 # 7 & 8	Atlantic Blvd	Denist Office			2
3/21/2022	630 # 9 & 10	Atlantic Blvd	Ten Salon			2
3/21/2022	630 # 11	Atlantic Blvd	Cora			2
3/22/2022	630 # 12	Atlantic Blvd	Salte Paws			2
3/22/2022	630 # 13	Atlantic Blvd	Tokyo			2
3/22/2022	630 # 14	Atlantic Blvd	Cousins Lobester			2
3/22/2022	630 # 15	Atlantic Blvd	Rennas Pizza			2
3/24/2022	650	Atlantic Blvd	Chase Bank			2
3/24/2022	696	Atlantic Blvd	Aqua East			2
3/24/2022	113	Eleventh St	Tucker Rental			2
3/24/2022	1100	Atlantic Blvd	Tires Plus			2
3/28/2022	610	Florida Blvd	Beaches Chapel Church			2
3/28/2022	610	Florida Blvd	Beaches Chapel School			2
<b>18</b>	<b>Inspections for month</b>					
<b>Total Fire Inspections for physical year 2021/22</b>			<b>69</b>			

Fire Marshal Report - March 2022	
Reinspections	

<b>Total</b>	<b>0.00</b>

Fire Marshal Report - March 2022						
New Businesses						
3/14/2022	American Vessel Services	2300 Marsh Point Rd suite 303	450sqft Shared office			50.00
<b>Total New Business this month</b> <b>1</b>						
Total New Businesses Inspections for physical year 2021/22				11		
<b>Total</b>						<b>50.00</b>

2

Fire Marshal Report - March 2022							
Building Plan Review							
Date	BP #	Address	FloodZone	Proj Value	Scope	Bldg Market Value	Time Spent
3/3/2022	22-275	110 Penman Rd	X	\$4,000.00	Install sliding door	\$20,723.00	0.75
3/3/2022	22-274	2004 Ocean Front	VE/X House 100% in X	\$26,000.00	Window Replacement	\$171,489.00	0.5
3/14/2022	22-303	1823 Twelve Oaks Ln W	X	\$5,189.00	Window Replacement	\$241,409.00	0.5
3/14/2022	22-312	122 Margaet St	X	\$25,515.00	window replacement	\$124,409.00	0.5
3/16/2022	22-275	110 Penman Rd			change occupance size sent back for more info		
3/17/2022	22-265	601 Bay St	X	\$11,500.00	Exspand Screen Enclosure	\$130,260.00	0.5
3/21/2022	22-331	2135 Rosewood Dr	X	\$1,500.00	Replace Door	\$89,723.00	0.5
3/21/2022	22-320	732 Camellia Ter Dr	Bldg in AE	\$5,360.00	Replace Windows	\$190,741.00	0.75

Total Building plans this month	8					
			Total Project Value	\$79,064.00	Total Bldg Value	\$968,754.00
					Total Hr spent	4.00
					Total Hr.@ 4	40.00
Universal's rate	\$78.50	(4. @78.45 )313.80- 222.			Savings	\$153.80

Fire Marshal Report - March 2022						
New Construction Fire Inspection						
22-106	3/1/2022	2300 Marsh Point Rd Suite 101	Fire Sprinkler			ok'd
22-106	3/1/2022	Marsh Point Rd Suite 101	Fire Final			ok'd
21-923	3/14/2022	255 Third St	Fire Final			passed
21-256	3/14/2022	255 Third St	Grease Hood Final			passed
21-136	3/14/2022	255 Third St	Fire Sprinkler Final			passed
21-1304	3/14/2022	255 Third St	Fire Suppression Final			passed
6	New Fire Construction Inspections					

2  
2  
1  
1  
1  
1

Fire Marshal Report - March 2022							
Fire Plan Review							
Date	BP #	Address	Scope		Proj Value	Bldg Value	Fee
3/2/2022	22-253	301 Third St	Remodel interior Business		300,000.00	118,000.00	\$528.08
3/3/2022	22-275	110 Penman Rd	Install Sliding door	Rejected	\$2,000.00	\$4,000.00	\$42.98
3/14/2022	22-302	750 Third St	Fire Sprinkler	Approved	\$4,500.00	\$554,938.00	\$75.00
3/17/2022	22-275	110 Penman Rd	reno of 2 occupancies	Rejected			\$0.00
3/29/2022	21-800	310 Third St	Rrevision # 1	Approved	\$10,000.00		\$100.00
3/29/2022	21-800	310 Third St	Revision 2	Approved			\$75.00
3/31/2022	22-340	310 Third St	Tenant Build-out		\$586,000.00		\$921.08
3/31/2022	22-341	310 Third St	Tenant Build-out		\$738,000.00		\$1,025.57
8	Plan Reviews This Month					Total	\$2,767.71

Fire Marshal Report - March 2022

Development Plan Review							

Fire Marshal Report - March 2022							
New Construction Reinspections							

Fire Marshal Report - March 2022							
Floodplain Related							
22-199	3/15/2022	812 Davis St	Elevation Letter				3.00
	3/15/2022	1215 Forest Oaks Dr	called severl time left message				2.00
22-320	3/21/2022	732 Camellia Ter Dr	House in AE Flood 2.81 Sub Imp				2.00

**3** Floodplain Related issues This Month

Elevation Certificate							
22-199	3/15/2022	812 Davis St	Underconstruction	8.0'	bldg 8.0	Sent Letter to Builder	1.00
22-230	3/21/2022	732 Camellia Ter Dr	Requested Rlevation Certificate			Sent Flood Info	



Total Elevation Certificates reviewed this month			2				

Site Visit								
3/17/2022		Code Complaint	Beach Access Pine Ste, bamage to access by contractor with bldg permit					
	1	Site Visits this Month						

2

LDC Reriew Meetings							
						Hrs. Spent	0.00

Fire Investigation							
Date	Address	Street				Loss	Time Spent



## Agenda Item 8A Traffic Calming Application

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

<b>AGENDA ITEM:</b>	<b>Agenda Item #8A – Application for Traffic Calming McCollum Circle – Cedar Street to Valley Forge Rd E</b>
<b>SUBMITTED BY:</b>	David Banks
<b>DATE:</b>	April 14, 2022
<b>BACKGROUND:</b>	<p>On March 4, 2019, Council agreed to a new Traffic Calming Guide to provide policies, procedures and practices for traffic calming to lower vehicle speeds on neighborhood streets without restricting access.</p> <p>Steps for the traffic calming process include a traffic study, community support/approval and Council endorsement.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Review the Traffic Calming Application for McCollum Circle from Cedar Street to Valley Forge Rd. E
<b>ATTACHMENT:</b>	Traffic Calming Application-McCollum Circle (Cedar Street to Valley Forge Rd. E)



# APPLICATION FOR TRAFFIC CALMING

City of Neptune Beach  
 116 First Street  
 Neptune Beach, FL 32266

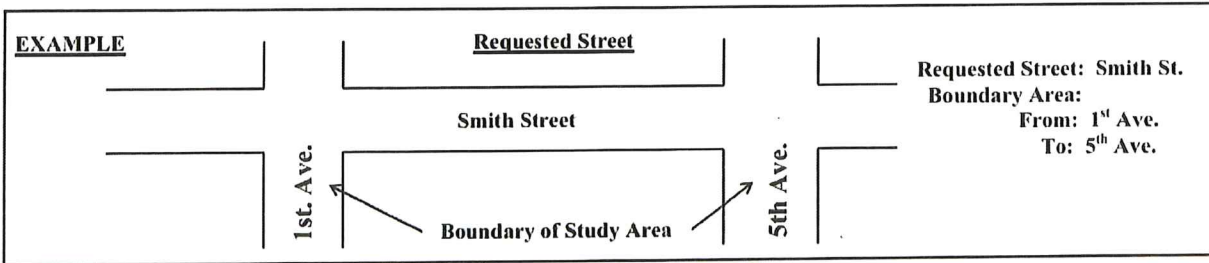
## Request for Traffic Calming Investigation

The following is a request form for traffic calming. Each request must contain the completed information as indicated.

### A. Street Study Information

Each request must provide the name of the street on which a study is requested and the boundaries of the street segment. Boundary limits may change at the discretion of the Public Works Department. Traffic studies will be conducted within the boundaries indicated. Please use the street names for boundary limits, not block ranges.

<b>Requested Street:</b>	<i>McCollum Circle</i>
<b>Boundary Area FROM:</b>	<i>Cedar St.</i>
<b>Boundary Area TO:</b>	<i>Valley Forge Rd B</i>



### B. Contact Person Information

Each request must provide a contact person who lives on the requested street within the study area boundary. If the request is being submitted from a neighborhood association, please provide the name, address, and telephone number of the duly authorized representative of the neighborhood association. The contact person will receive all correspondence and will be responsible for gathering evidence of support.

<b>Name:</b>	<i>David Banks</i>
<b>Address:</b>	<i>719 McCollum Circle</i>
<b>Phone:</b>	<del>904-962-0400</del> <i>904 792-9617</i>
<b>Email:</b>	<i>david-banks@baxter.com</i>

I agree to be the contact person for the above request, and I understand that the outcome of the study will determine the eligibility of the determined traffic calming device, if any. I also understand I will be financially responsible for the installation of the traffic calming device if warranted by the study.

→ **Signature:** *David Banks* **Date:** *2/17/22*

### C. Minimum Criteria for Traffic Calming Devices:

1. Traffic calming devices will be available only on residential streets carrying fewer than 1,200 vehicles per day.
2. Traffic calming devices will be available only on streets that have a designated speed limit of 25 mph as determined in accordance with State Law, and no more than one traffic lane in each direction.
3. Traffic calming devices will not be installed on any street where 85th percentile speeds are less than 30 mph.
4. Traffic calming devices will not be installed on any street designated as a truck route or a transit route.
5. Traffic calming devices will not be installed on any street as to which there is, in the judgment of the City staff, inadequate vertical and horizontal alignment and sight distances to allow for safe installation.
6. Traffic calming devices will not be installed on any street that is a primary access route for emergency vehicles and would cause, in the judgment of the City staff, unacceptable delay in response time to emergencies.
7. Traffic calming devices will only be installed if 55% of the owners of residences on the proposed street where the traffic calming devices (one vote per ownership) is proposed. Residents must be registered voters of Neptune Beach.

### D. Evidence of Neighborhood Support:

✓ Provide evidence of neighborhood support for participation in the program. The attached form can be used for this request. Evidence of support must be within the study area as identified in Section A. Additional copies of this page may be submitted to secure the required number of signatures.

We the undersigned owners and residents of McCullum Circle hereby offer our support for our neighborhoods' participation in the traffic calming study.

Secure signature from residents at least representing at least 55% of property owners along the affected street.

- ✓ Residents signing this form must be registered voters of Neptune Beach (Copies of this form may be made if additional pages are needed).

5590  
of 15  
residents  
8 residents

Request for traffic slowing evaluation:  
see map on page 2. Requested by David Banks  
and concerned neighbors

Thanks

Printed Name:	David Banks	Printed Name:	Charlene Cnoth
Address:	719 McCollum Circle	Address:	714 McCollum Circle
Phone:	904 962 0400	Phone:	904 312-3187
Date of Birth:	12/03/1961	Date of Birth:	01/18/1975
Signature:	David Banks	Signature:	Charlene Cnoth

Printed Name:	Leigh Griffin	Printed Name:	Eric & Nancy
Address:	702 McCollum Circle	Address:	602
Phone:	904-246-7757	Phone:	
Date of Birth:	8-24-65	Date of Birth:	No
Signature:	Leigh Griffin	Signature:	

Printed Name:	MARILYN BICE	Printed Name:	Vicki Pigg
Address:	720 McCollum Circle	Address:	730 McCollum Cir.
Phone:	(302) 383-0646	Phone:	904-303-0167
Date of Birth:	9-10-49	Date of Birth:	12-5-67
Signature:	M Ce Bice	Signature:	Vicki Pigg

Printed Name:	Robert Hamil	Printed Name:	Archibot Kamas
Address:	725 McCollum Cir	Address:	785 McCollum Cir
Phone:	904-631-6268	Phone:	904 241-0905
Date of Birth:	1-13-1960	Date of Birth:	4/27/57
Signature:	Robert Hamil	Signature:	Archibot Kamas

Westerman

Printed Name:	CAROL PITTMAN	Printed Name:	WARREN WESTERMAN
Address:	625 McCollum Cir	Address:	713 McCollum Circle
Phone:	904 246-6683	Phone:	203-475-8591
Date of Birth:	2-14-46	Date of Birth:	6/24/49 6/27/49
Signature:	Carol Pittman	Signature:	Warren Westerman

Cedar Valley  
 Valley Forge  
 Rd (East)  
 McCollum Circle

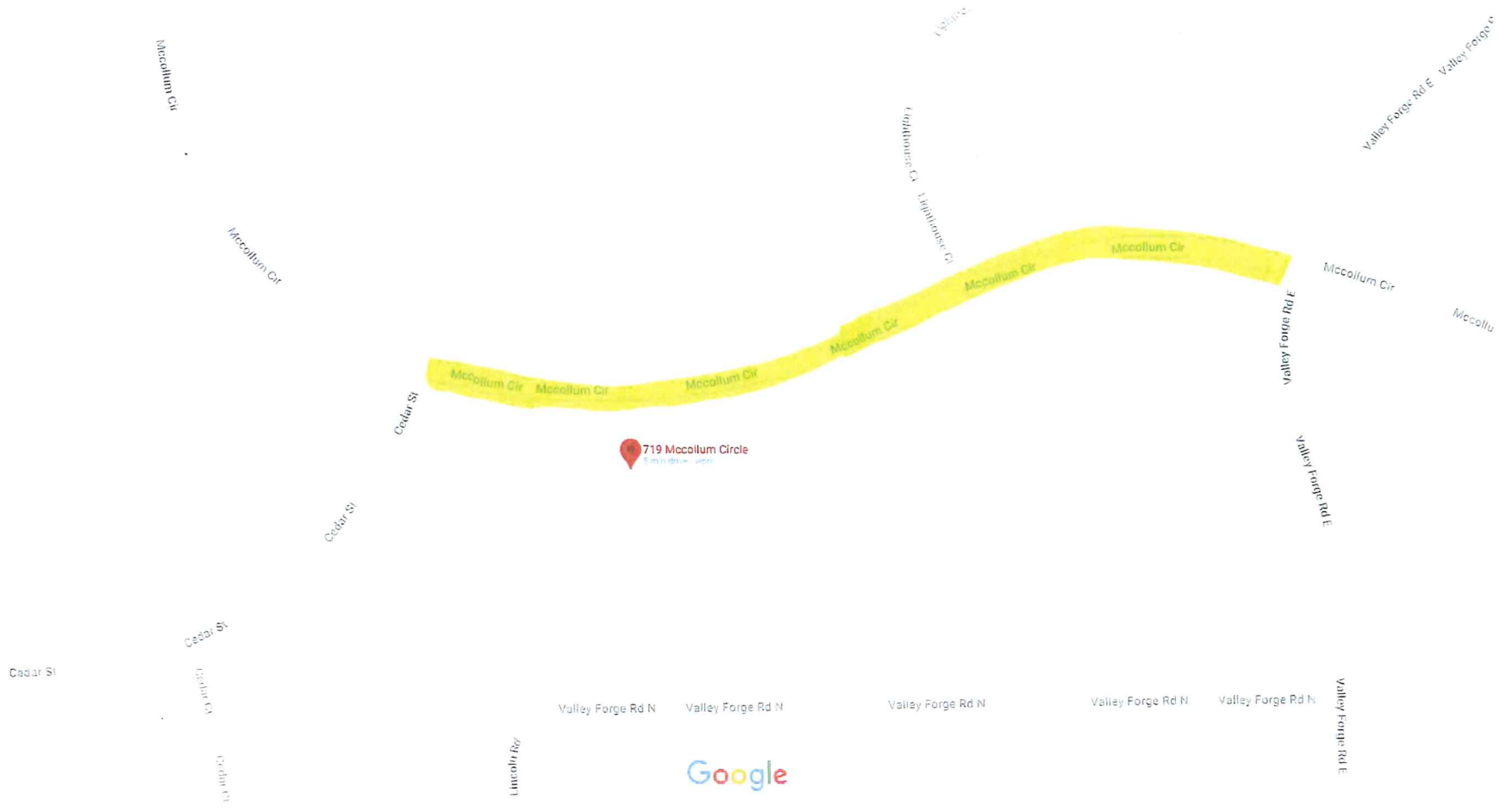
Printed Name:	KENNETHA LUCIUS	Printed Name:	
Address:	707 McCollum Cir.	Address:	
Phone:	904-891-0427	Phone:	
Date of Birth:	2/13/1953	Date of Birth:	
Signature:	<i>[Signature]</i>	Signature:	

Printed Name:	SCOTT BIRDSONG	Printed Name:	
Address:	606 McCollum Cir	Address:	
Phone:	904-339-1020	Phone:	
Date of Birth:	7-19-1947	Date of Birth:	
Signature:	<i>[Signature]</i>	Signature:	

Printed Name:		Printed Name:	
Address:		Address:	
Phone:		Phone:	
Date of Birth:		Date of Birth:	
Signature:		Signature:	

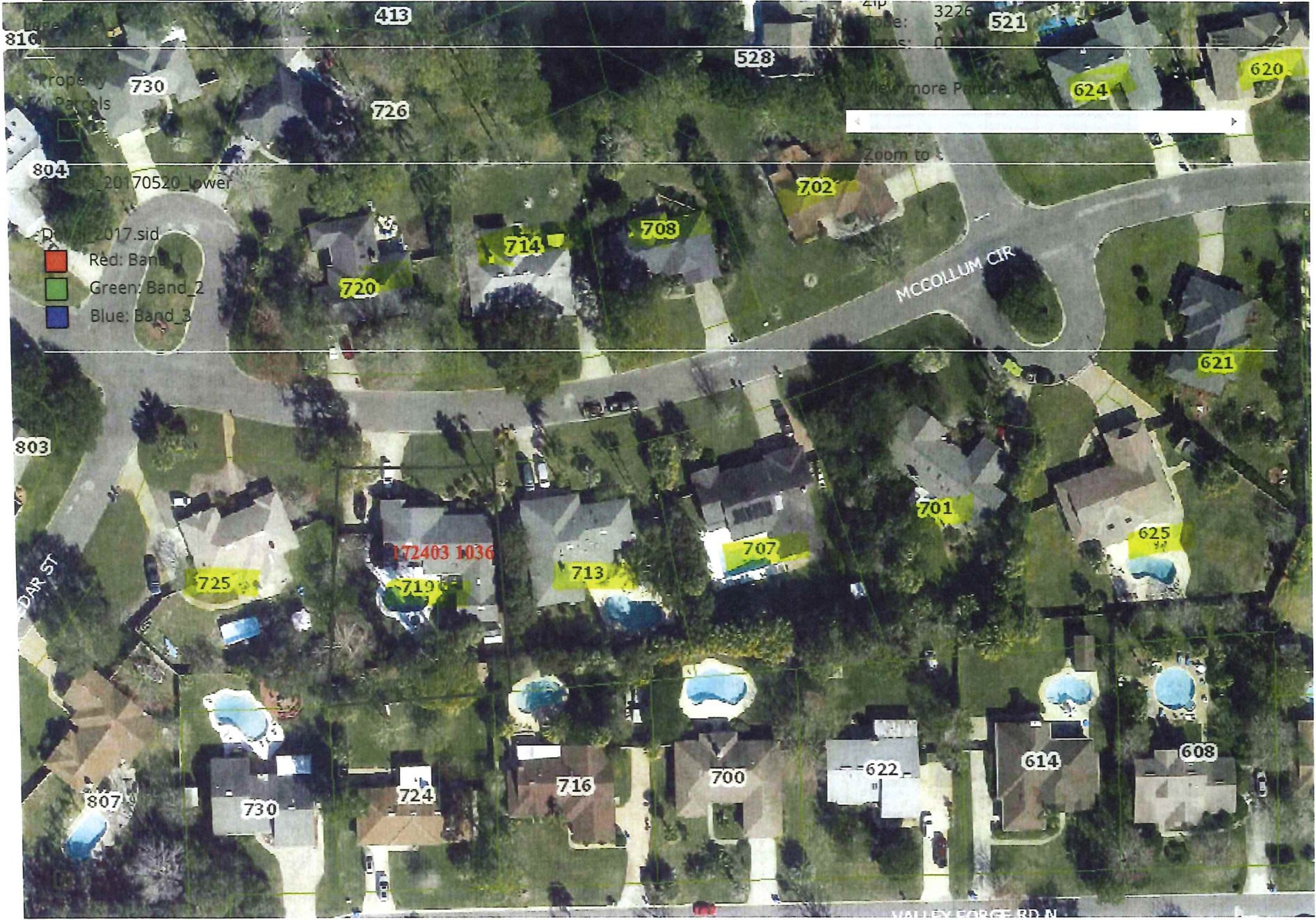
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Address:		Address:	
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Date of Birth:		Date of Birth:	
Signature:		Signature:	

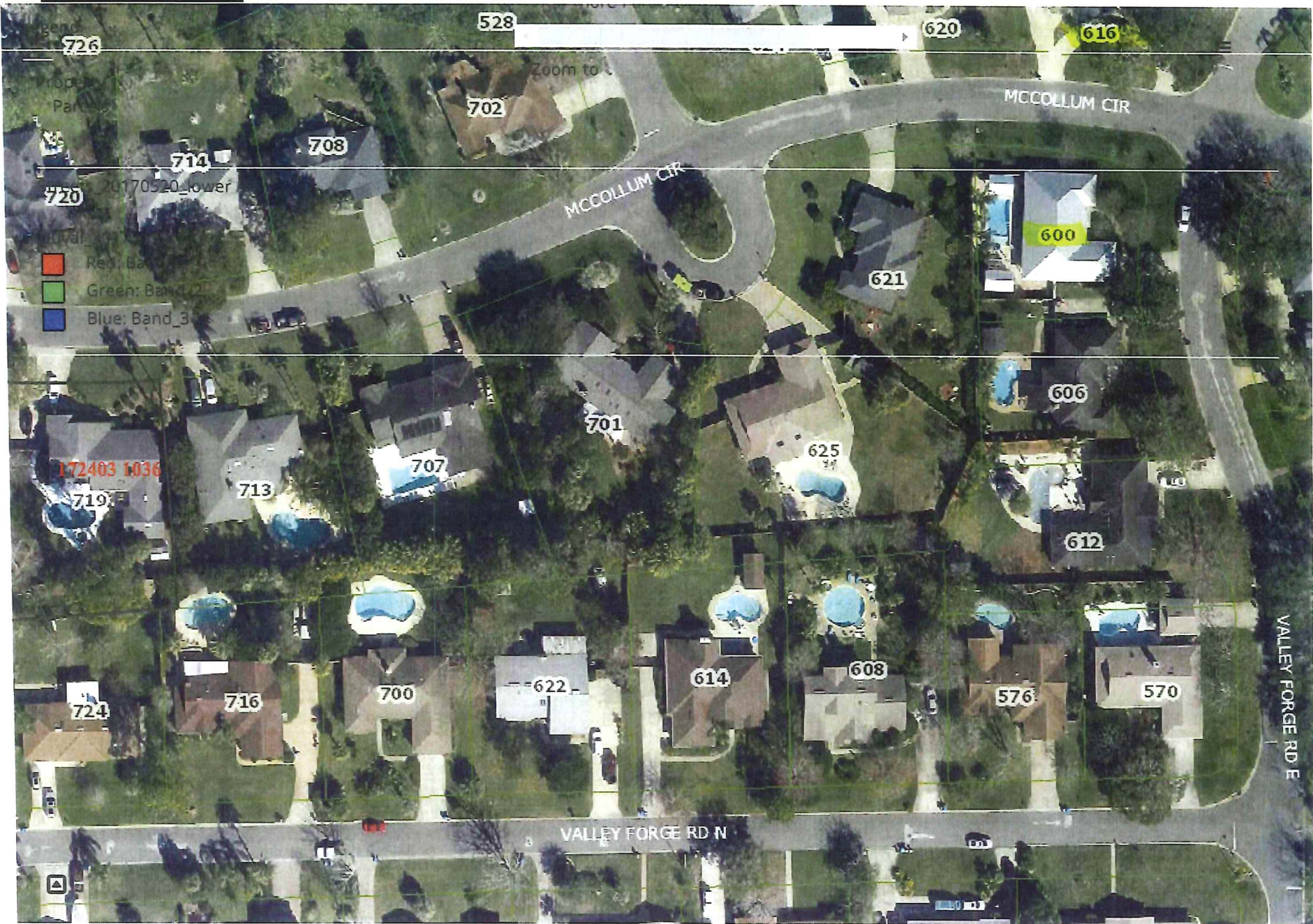


Map data ©2020 Google 50 ft

**PROPERTIES**  
DUVAL MAPS







## Cheryl Bäck

---

**From:** Michael Key  
**Sent:** Thursday, April 14, 2022 2:25 PM  
**To:** Cheryl Bäck  
**Cc:** Richard Pike  
**Subject:** FW: New Traffic Calming Application  
**Attachments:** 700 McCollum Analyst Report.pdf

Cheryl,

Please see the attached report. This is the most simplified version, which shows the following (trusted) basic stats:

- Duration: 03/17/2022 to 04/08/2022
- Vehicles counted: 2977 (both coming and going)
- Average Speed: 21.3 mph

\*\*\*Note, there are inherent flaws noted during each study which show high speeds that are typically indicative of a double measurement. This occurs when two cars are counted and their speeds combined. The maximum speed in this case was 54 mph, however based on my experience with this device, that reading is likely false (likely a double count). Please ensure this note is included in whatever public dissemination is released.

Sincerely,

COMMANDER M.J. KEY  
INVESTIGATIONS / SUPPORT SERVICES / INTERNAL AFFAIRS  
NEPTUNE BEACH POLICE DEPARTMENT  
200 LEMON ST.  
NEPTUNE BEACH, FL 32266  
WORK (904) 242-3435  
CELL (904) 222-1372  
FBI NA #268  
CHAIRMAN SE LIX



Follow us:   

**From:** Richard Pike <cop@nbfl.us>  
**Sent:** Monday, April 11, 2022 8:55 AM  
**To:** Michael Key <michaelkey@nbfl.us>  
**Subject:** FW: New Traffic Calming Application

Can you pull the box at McCullum Cr and forward the info to Cheryl?

# STALKER Radar | Lidar

Survey Name	700 McCollum Circle	Location	700 McCollum Circle, Neptune ...	Speed Unit	Miles/Hour
Start	2022-03-17 12:17	Traffic Direction	Undefined	Speed Limit	25
Stop	2022-04-08 13:16	Zone	None	Min Speed Threshold	5
Operator	1332	Min Following Time	0.0	Max Speed Threshold	120
Survey Direction	Both	Time Resolution	1	Speed Resolution	1

Total Vehicle Count	2977	100%	Average Speed	21.3	MPH	In Pace Count	1169	39%
Under Limit Count	2129	71%	Minimum Speed	5	MPH	10 mph Pace	17 - 26	MPH
Over Limit Count	848	29%	Maximum Speed	54	MPH	Standard Deviation	8	MPH
10 Over Limit Count	259	8%	85Speed Percentile	31	MPH	Average Speed Over Limit	32.4	MPH

## Cheryl Bäck

---

**From:** Jim French  
**Sent:** Friday, February 18, 2022 11:29 AM  
**To:** Cheryl Bäck  
**Cc:** Stefen Wynn; Richard Pike; CDD; Paul Williams  
**Subject:** RE: New Traffic Calming Application  
**Attachments:** Traffic Calming App\_Banks.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Cheryl:

Good morning. In response to the traffic calming application sent yesterday I have the following comments:

We have added the traffic calming application to the list for inclusion during the next city-wide traffic study phase. In addition, the requested area is within a homeowner's association (HOA), Neptune by the Sea, and the request will also require approval from the HOA with meeting minutes.

Traffic calming applications are limited to available funding, and not programmed into the current fiscal year's budget. The planning, review, and coordination of all activities that impact roadway improvements are evaluated and ranked across the entire City and programmed into the capital improvement program. Traffic calming would include redesign and capital reconstruction of the existing street necessitating a detailed study, planning, design, permitting, public solicitation and construction. Public solicitation documents must follow both City purchasing policy and State Statues. Florida Statues require the signing and sealing of engineering documents issued for public record or final documents that include government agencies to protect the health, safety, property, and welfare of the public. A professional engineer is necessary to protect adjacent properties, the safety of traffic in the roadway, pedestrian safety, public utilities in the rights-of-way, and emergency vehicle access. Typically, this takes several years to implement.

Should you have any additional questions please let us know.

Cheers,

Jim French, PE

Public Works Director

City of Neptune Beach

(Licensed in Florida & Georgia)

2010 Forest Ave.

Neptune Beach, FL 32266

Office (904) 270-2423, ext. 4108

**PUBLIC WORKS**

**FIRST RESPONDER**



## Agenda Item #8B Senior Center

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

<b>AGENDA ITEM:</b>	<b>Agenda Item #8B – Neptune Beach Senior Activity Center Final Rendering Discussion</b>
<b>SUBMITTED BY:</b>	Marquis Latimer + Halback, Inc., Landscape Architecture - Planning
<b>DATE:</b>	April 14, 2022
<b>BACKGROUND:</b>	<p>On June 7, 2021, Council approved Marquis Latimer + Halback, Inc. for the Senior Center Exterior and Landscaping Design.</p> <p>The attached renderings reflect input from the community and Council.</p>
<b>BUDGET:</b>	
<b>RECOMMENDATION:</b>	Discuss and review the final renderings of the Neptune Beach Activity Center
<b>ATTACHMENT:</b>	Final Renderings submitted from MHL



 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING



## NEPTUNE BEACH SR. COMMUNITY CENTER RENDERS

City of Neptune Beach, Florida  
ML+H Project No. 21.45.0

10.06.2021

 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING



 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING



## NEPTUNE BEACH SR. COMMUNITY CENTER RENDERS

City of Neptune Beach, Florida  
ML+H Project No. 21.45.0

10.06.2021

 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING



 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING



## NEPTUNE BEACH SR. COMMUNITY CENTER RENDERS

City of Neptune Beach, Florida  
ML+H Project No. 21.45.0

10.20.2021

 Marquis Latimer + Halback  
LANDSCAPE ARCHITECTURE · PLANNING





 **Marquis Latimer + Halback**  
LANDSCAPE ARCHITECTURE · PLANNING



## NEPTUNE BEACH SR. COMMUNITY CENTER RENDERS

City of Neptune Beach, Florida  
ML+H Project No. 21.45.0

03.30.2022

 **Marquis Latimer + Halback**  
LANDSCAPE ARCHITECTURE · PLANNING



 **Marquis Latimer + Halback**  
LANDSCAPE ARCHITECTURE · PLANNING



## NEPTUNE BEACH SR. COMMUNITY CENTER RENDERS

City of Neptune Beach, Florida  
ML+H Project No. 21.45.0

03.30.2022

 **Marquis Latimer + Halback**  
LANDSCAPE ARCHITECTURE · PLANNING



**Agenda Item #8C  
Parking**

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

<b>AGENDA ITEM:</b>	
<b>SUBMITTED BY:</b>	
<b>DATE:</b>	
<b>BACKGROUND:</b>	
<b>BUDGET:</b>	
<b>RECOMMENDATION:</b>	
<b>ATTACHMENT:</b>	

SPONSORED BY:  
COUNCILOR MESSINGER



**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, MODIFYING PARKING RATES AND AVAILABILITY TO NEPTUNE BEACH RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, since the inception of the paid parking program, Neptune Beach residents have had access to 35 designated spaces at Cherry, Walnut, and Second Streets, with no time limits except that overnight parking is prohibited; and

**WHEREAS**, many residents have expressed their desire to have access to all of the Neptune Beach paid parking spaces for a period at no charge; and

**WHEREAS**, the City observes that the spaces at Cherry, Walnut, and Second Streets are underutilized; and

**WHEREAS**, providing three (3) hours of parking per day to residents will continue to support the needs of the program to incentivize the turnover of spaces; and

**WHEREAS**, the City anticipates it will be several months before software programming and public education campaigns can be completed in order to permit this modification; and

**WHEREAS**, the City Council finds that making an adjustment to the availability of spaces is in the best interest of the City, its residents, and the paid parking program;

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

**SECTION 1.** All Neptune Beach residents who have completed registration with the North Beaches Parking Program shall be entitled to up three (3) free hours per day of parking in designated spaces regulated by the paid parking program. Residents who remain longer than three (3) hours per day may pay to park at the established rates. The City shall publish information on the process for registration prior to the effectiveness of this Resolution. Such free parking shall not apply to any private lots managed by the North Beaches Parking Program.

**SECTION 2.** To qualify for the free parking, Neptune Beach residents must check in at a pay meter or with the mobile app.

**SECTION 3.** Nothing in this Resolution shall be deemed to vitiate or modify the

powers of the city manager as provided in Article IV, Chapter 22 of the City's Code of Ordinances, including, in particular, those of Section 22-51.

**SECTION 4.** This Resolution shall take effect Friday, July 1, 2022.

PASSED AND ADOPTED by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 2nd day of May, 2022.

---

Elaine Brown, Mayor

Attest:

---

Catherine Ponson, City Clerk

Approved as to form and correctness:

---

Zachary Roth, City Attorney

# Agenda Item, #8D

## Dancin' in the Street Event

### May 21, 2022

March 18, 2022

Ms. Patsy Bishop  
Town Center Agency, Inc.  
109 First Street  
Neptune Beach, FL 32266

Dear Ms. Bishop:

Thank you for your letter asking permission to conduct the annual Dancin' in the Street event on Saturday, May 21, 2022, from 11:00 am to 9:30 pm. It is my understanding that your request includes the closing of streets that perimeter Town Center on May 21st from 5:00 am to 11:00 pm. These streets include Atlantic Blvd. to Second Street and First Street from Atlantic Blvd. to Orange Street. Additionally, you are asking for the closure of the 100 block of Atlantic Blvd. from May 20<sup>th</sup> to May 22<sup>nd</sup> at Noon for stage setup and breakdown.

Lastly, your request also includes the waiver of the open container ordinance for the day to allow alcohol sales by the Town Center Agency, Inc. within the bounds of the event.

By way of this letter, the City of Neptune Beach is conditionally granting permission for this event. Conditions are as follows:

- 1) must meet and adhere to all rules established by the City Manager's Office of the City of Neptune Beach
- 2) **proof of liability for at least \$1 million naming the City of Neptune Beach as additional insured must be provided no later than 48 hours prior to the event**
- 3) a contact name and number of a person in a position of responsibility must be provided for the event (*on file*)
- 4) adherence to all laws and ordinances pertaining to the City of Neptune Beach, the State of Florida, and the Federal Government, except the open container within the festival perimeter
- 5) allowed use of the Neptune Beach City Hall Chambers on May 21<sup>st</sup> for banking purposes with the stipulation that *no alcohol is permitted* within the building at any time
- 6) inspection of the event by a City of Neptune Beach designated Fire Marshal to ensure the use of tents, etc., adheres to city code
- 7) noise, such as microphones, bullhorns, amplified music, etc., be kept to a minimal level and are not to be used before 9:00 am or after 9:30 pm
- 8) participants are prohibited from bringing coolers, backpacks, or alcoholic beverages into the event area
- 9) signage posted notating prohibited items that are visible prior to entry points and in the outer Town Center vicinity.
- 10) no bicycles, skateboards, and pets/animals permitted within the event perimeter
- 11) promoter must hire sixteen (16) Off-Duty Police Officers at \$55.00 per hour; pay rates for Police Officers from other jurisdictions will be paid at the rate set by that respective agency.
- 12) Town Center Staff must be actively available from the time of street closures until streets are reopened, and all personnel have been compensated as agreed. Town Center must provide a volunteer or staff at each entrance gate
- 13) Town Center Agency must hire a minimum of two (2) off-duty Florida Licensed Paramedics. In addition to standard medical equipment. Paramedics must be equipped with JFRD med coms and AED.
- 14) promoter must provide traffic control devices determined necessary to close streets and control area traffic, inclusive of the following:
  - Cones

- Road Closed Signs
  - Local Traffic Signs
  - Water Barricades
  - Bike Racks
  - Break-Away perimeter fencing
  - Parking Areas /Security Policy signage posted
- 15) must contract with a State of Florida licensed security company to provide a minimum of two (2) uniformed security officers at each entry/exit gate. In addition, a security company representative must complete the venue walk-thru with the police department one week prior to the event. Security Officer's duties shall include, but are not limited to:
- Access Control all entry gates-Bag Searches
  - Must have a "Metal Detection Wand" at each access gate for mandatory searches of all patrons entering the event
  - I.D. checks for over 21 at token/wristband locations.
  - Security Officers must be 2-way radio equipped
- 16) promoter must hire two (2) off-duty Neptune Beach Public Works employees to assist with the setup and breakdown of traffic-control devices and removal of trash from the venue at a rate of \$40.00 per hour
- 17) the Beaches Town Center Agency shall provide staff to regularly bag and remove trash and refuse during the event.
- 18) The Beaches Town Center Agency shall be required to provide trash bags and temporary trash receptacles that shall be placed throughout the venue.
- 19) Town Center vendors, volunteers, and staff working the event shall not consume alcoholic beverages.
- 20) areas used must be free of debris once the event is completed
- 21) the City assumes no liability for any accident or injury that may occur during the event, and your organization will hold the City harmless should any occur
- 22) failure to abide by any of the conditions set forth could result in the event being shut down at any time.

Should you have any questions or need further information regarding this issue, please let me know.

Sincerely,

Stefen A.B. Wynn, *MPA*  
City Manager

cc: Richard Pike, Chief, NBPD  
Gary Snyder, Commander, NBPD  
Dustin Kamppi, Sergeant, NBPD



**Agenda Item #8E  
LDC Revisions**

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

<b>AGENDA ITEM:</b>	<b>Agenda Item #8E – Draft LDC Revisions</b>
<b>SUBMITTED BY:</b>	Samantha Brisolaro, Community Development Director
<b>DATE:</b>	April 14, 2022
<b>BACKGROUND:</b>	<p>Draft sections for review are:</p> <ul style="list-style-type: none"> <li>• Chapter 8 - Buildings and Building Regulations, Article VII, Coastal Construction Code</li> <li>• Article V - Accessory Structure and Uses</li> <li>• Article VI - Concurrency</li> <li>• Article VII - Protection of Potable Water Wellfields</li> <li>• Article XIII - Parking and Loading</li> <li>• Article XV – Advertising</li> <li>• Article XVIII - Nonconforming Lots, Structures, Uses, and Signs</li> </ul> <p>The CDB reviewed these sections on April 13, 2022.</p>
<b>BUDGET:</b>	
<b>RECOMMENDATION:</b>	Review and discuss the submitted draft sections of the LDC
<b>ATTACHMENT:</b>	Draft Section-LDC



## Chapter 8 - BUILDINGS AND BUILDING REGULATIONS<sup>[1]</sup>

### ARTICLE VII. - COASTAL CONSTRUCTION CODE<sup>[5]</sup>

#### DIVISION 3. - BEACHFRONT LIGHTING TO PROTECT MARINE TURTLES

##### Sec. 8-245. - Standard for new development.

New development, coastal construction, and building and electrical plans for construction of any structure shall be in compliance with the following, if the proposed development is water ward east of the Coastal Construction Control Line (CCCL); or if the development creates any light sources that will be visible from the beach. Provisions of this section apply, but are not limited to, all new coastal construction and development, including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property. All existing properties that meet this criteria, must also come into compliance upon codification of this land development code.

- (1) Exterior artificial light fixtures shall be designed and positioned so that:
  - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
  - b. Areas seaward of the primary dune, or the beach in areas where the primary dune no longer exists are not directly or indirectly illuminated; and
  - c. Areas seaward of the primary dune, or the beach in areas where the primary dunes no longer exists are not cumulatively illuminated.
- (2) Exterior artificial light fixtures within direct line of sight of the beach are allowed if:
  - a. Exterior lights are completely shielded downlight only fixtures or recessed fixtures with non-reflective interior surfaces. These fixtures must have low wattage (i.e., twenty-five (25) watts or less) "bug" type bulbs, low pressure sodium vapor (LPS) bulbs, red light emitting diodes (LED) or true neon light sources be wildlife lighting certified by the Florida Fish and Wildlife Conservation Commission (FWC) or approved by the Florida Department of Environmental Protection (FDEP). Other fixtures that have light blocking shields, louvers, or cutoff features may also be used if they are in compliance with subsection (1) above; and
  - b. All fixtures are mounted as low in elevation as possible through use of low-bollards and ground level fixtures.
- (3) Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
- (4) The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required for any exterior lights used expressly for safety or security. All motion detector lighting must also comply with FWC certified or FDEP approved wildlife lighting.
- (5) Dune crosswalks may be lighted. If lighted, dune crosswalks shall utilize low profile shielded luminaries directed and positioned so that the point source of light or any reflective surface of the light fixtures is not directly visible to a person on the beach. All light fixtures on dune crosswalks must utilize low wattage (i.e., twenty-five (25) watts or less) "bug" type bulbs, low pressure sodium vapor (LPS) bulbs, red light emitting diodes (LED) or true neon light sources FWC certified or FDEP approved wildlife lighting. Dune crosswalk lighting seaward of the primary dune, or on the beach in areas where the primary dune no longer exists shall not be used.
- (6) In parking areas with direct line of sight of the beach all lighting shall be:

- a. Set on low profile luminaire; and
  - b. Positioned or shielded so that the light is cast downward and the source or light or any reflective surface of the light fixture is not visible from the beach and does not directly, indirectly or cumulatively illuminate the beach.
- (7) ~~Except for single family residences, All newly constructed parking areas and driveways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.~~
- (8) Parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground level barriers. Ground level barriers must not impede or entangle marine turtles or hatchling, or cause short- or long-term damage to the beach/dune system.
- (9) Tinted glass shall be installed on all windows and doors of single or multistory commercial structures within direct line of sight of the beach. It is strongly recommended, but not mandatory, that tinted glass be installed on all windows and doors of single or multistory residential structures within direct line of sight of the beach. Tint or film must meet the standards for tinted glass stated in section 8-244 above.
- (10) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section. Said lighting shall not be mounted more than eight (8) feet above the ground.
- (11) ~~Upon the issuance of a certificate of occupancy for any new development within direct line of sight of the beach, compliance with the beachfront lighting standards set forth in this division shall be approved as follows:~~
- a. ~~Upon completion of the construction activities, the inspector shall conduct a site inspection which includes a night survey with all beachfront lighting turned on.~~
  - b. ~~The city inspector shall prepare and report the inspection findings in writing identifying:~~
    - 1. ~~The date and time of initial inspections;~~
    - 2. ~~The extent of compliance with the lighting standards;~~
    - 3. ~~All areas of observed noncompliance, if applicable;~~
    - 4. ~~Any action(s) taken to remedy observed noncompliance, if applicable.~~
- ~~The inspector, in cases where remedial action is necessary, shall notify the owner or developer of the results of the inspection and shall schedule a date and time for a subsequent inspection.~~

## **ARTICLE V. - ACCESSORY STRUCTURES AND USES<sup>(10)</sup>**

### **Sec. 27-321. - Intent.**

Accessory uses and structures are permitted in all districts provided such uses and structures are of a nature customarily incidental and clearly subordinate to a permitted principal use or structure and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as such principal use or structure. Any structure or portion thereof, attached to the principal structure on a lot, shall be considered a part of the principal structure and not an accessory structure. Accessory uses shall not involve operations or structures that are not compatible with the character of the zoning district where located.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-322. - Generally.**

This article establishes standards to regulate the location, installation, configuration, and use of accessory buildings and structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-323. - Applicability.**

It shall be unlawful to erect, cause to [be] erected, maintain or cause to be maintained, any accessory structure or to conduct any accessory use not expressly authorized by, or specifically exempted from, this Code.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-324. - Definitions.**

Refer to article I for definitions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-325. - General standards and requirements.**

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- (1) There shall be a principal structure on the parcel, as permitted by this Code.
- (2) All accessory structures shall comply with standards pertaining to the principal use of the lot, unless exempted or superseded elsewhere in the Code.
- (3) Accessory structures shall not be located in a required buffer, drainage areas, easements, or required landscape area.
- (4) Accessory structures shall not adversely impact adjacent structures or uses and shall comply with all nuisance regulations in Chapter 28 of this code.
- (54) Accessory structures shall comply with article XII, Stormwater Management and Erosion Control requirements of this chapter, and shall be included in all calculations of impervious surface and stormwater runoff or any site design requirements applying to the principal use of the parcel. Impervious surface and stormwater drainage calculations shall encompass and evaluate the entire parcel on which the accessory structure is located.
- (65) Accessory structures shall be shown on any development plan with full supporting documentation as required in article III of this chapter.

**(76)** Accessory uses shall not alter the essential character of the area surrounding the site or involve operations or structures not in keeping with the character of the district where located.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. [2014-11](#), § 1, 7-7-14)*

### **Sec. 27-326. - Radio and television antennae.**

The erection or construction of any outside telephone antenna, radio tower, or similar structure or tower shall be accomplished in such a manner as to be safe and secure and shall not be erected or constructed in such a manner as to constitute a hazard to the safety of the person or property of others.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-327. - Satellite dish antennae.**

All satellite dish antenna installed after the effective date of this code and satellite dish antenna lawfully installed prior to the enactment of this Code that are moved or replaced shall comply with the following:

- (1) The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Electric Safety Code.
- (2) The satellite dish antenna installation shall meet all FCC (Federal Communication Commission) and manufacturer specifications, rules, and requirements.
- (3) The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend, taking into consideration color and location, with the surrounding area and structures.
- (4) The satellite dish antenna shall contain no advertising or signage of any type.
- (5) The satellite dish antenna installation shall be permitted to be placed in side and rear areas of the principal structure or commercial structure only.
- (6) The satellite dish antenna shall, to the maximum extent possible, be screened from view from any public rights-of-way.
- (7) A satellite dish antenna shall be considered an accessory structure to the principal dwelling or nonresidential structure and shall not constitute the principal use of the property.
- (8) The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the principal structure.
- (9) Satellite dish antenna installations shall be limited to one (1) installation per residential lot.
- (10) The maximum size of the satellite dish antenna shall not exceed twenty-four (24) inches in diameter.
- (11) If a satellite dish antenna is to be installed on the roof of any principal structure it shall be screened from view and not visible from the principal public right-of-way.
- (12) The satellite dish antenna shall not be portable.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-328. - Other accessory structures.**

- (a) Except as provided elsewhere in this article, accessory structures shall be permitted provided that the:
  - (1) Accessory structures shall be located in rear yards and the side yards of interior lots;

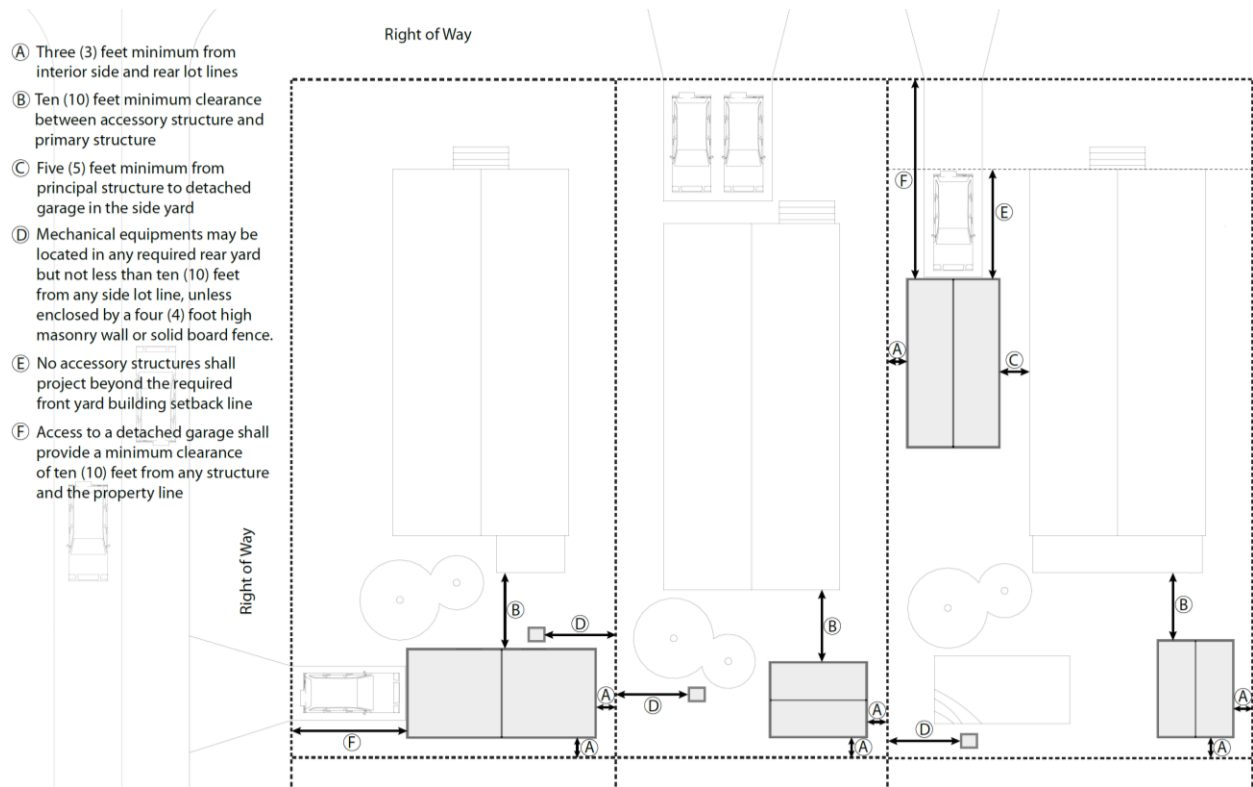
(2) Accessory structures shall not be located in front yards, exterior side yards or within three (3) feet of any side yard of an interior lot or rear property lines, in any residential district except as follows:

a. On multiple frontage lots, through lots and corner lots, accessory structures may only be located in any required interior side yard and/or required rear yard but not less than three (3) feet from any of those lot lines (refer to Figure 27-328-1 and Figure 27-328-2 [at the end of article V]).

b. Accessory structures (except as provided elsewhere in this article) shall be separated from the principal structure by not less than ten (10) feet. Detached garages located in the side yard, however, may be separated by no less than five (5) feet from the principal structure with approval from the City Manager or designee.

c. Accessory structures may be located in required side or rear yards, but not less than five (5) feet from any lot line if habitable (see accessory apartments, section 27-340) or three (3) feet from any lot line if not habitable. In addition, no accessory building on a corner lot in a residential district shall project beyond the required front yard building setback line, required corner yard setback, or beyond either plane of the house (whichever is more restrictive) for either exterior lot line (refer to Figure 27-328-3 [at end of article V]).

Figure 27-328-1



d. Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the principal structure may be located in any required rear yards, but not in any front yard, and not less than ten (10) feet from any side lot line, except in the following instances:

1. When a compressor is proposed within a yard and is enclosed by a masonry wall at least four (4) feet high, it may be located within two (2) feet of any side lot line.
2. When a compressor is proposed within a yard and is enclosed by a solid board fence at least four (4) feet high, it may be located within five (5) feet of any side lot line.

**ed.** Garages and carports existing or constructed shall not be enclosed at a later date, unless considerations are made so that the subsequent structure is in keeping or consistent with the main building. Where appropriate, garages should be oriented to the alley with the required yard off of the alley considered a rear yard.

- (3) Accessory structure does not exceed twelve (12) feet in height or fourteen (14) feet in height for a two (2) car garage with a vertical exterior wall height not to exceed eight (8) feet in height.
- (4) Accessory structures shall not exceed one hundred sixty (160) square feet in area, except as provided elsewhere in this article. Detached garages shall not exceed five hundred (500) square feet in area in the R-3, R-4, and R-5 districts and shall not exceed seven hundred (700) square feet in the R-1 and R-2 districts, the floor areas described in Table 27-328-1 below. An accessory structure containing a lawful accessory apartment may exceed these sizes by the maximum floor area for an accessory apartment and may have a second story up to twelve (12) feet in height for the accessory apartment; see section 27-340 for other regulations for accessory apartments.

**Table 27-328-1**

<b>Lot Area (sq. ft.)</b>	<b>Maximum Floor Area for Accessory Structures (sq. ft.)</b>
<b>Less than 5,000</b>	<b>480</b>
<b>5,000 – 7,999</b>	<b>500</b>
<b>8,000 – 9,999</b>	<b>680</b>
<b>10,000 – 11,999</b>	<b>800</b>
<b>12,000 or greater</b>	<b>1,200 or 7% of lot size, whichever is smaller</b>

- (5) No more than three (3) accessory structures per lot, excluding subsection 27-328(2)c., and swimming pools.
  - (6) Detached garages shall have an access driveway as described in section 27-480 except that the use of pervious driveway material of construction material is encouraged.
  - (7) Access to a detached garage shall provide a minimum access clearance of ten (10) feet between any structure and the property line.
- (b) Vehicles, major recreational equipment and manufactured homes shall not be used as accessory structures.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2012-05, § 1, 4-2-12)*

**Sec. 27-329. - Swimming pools, pool enclosures, hot tubs, and similar structures.**

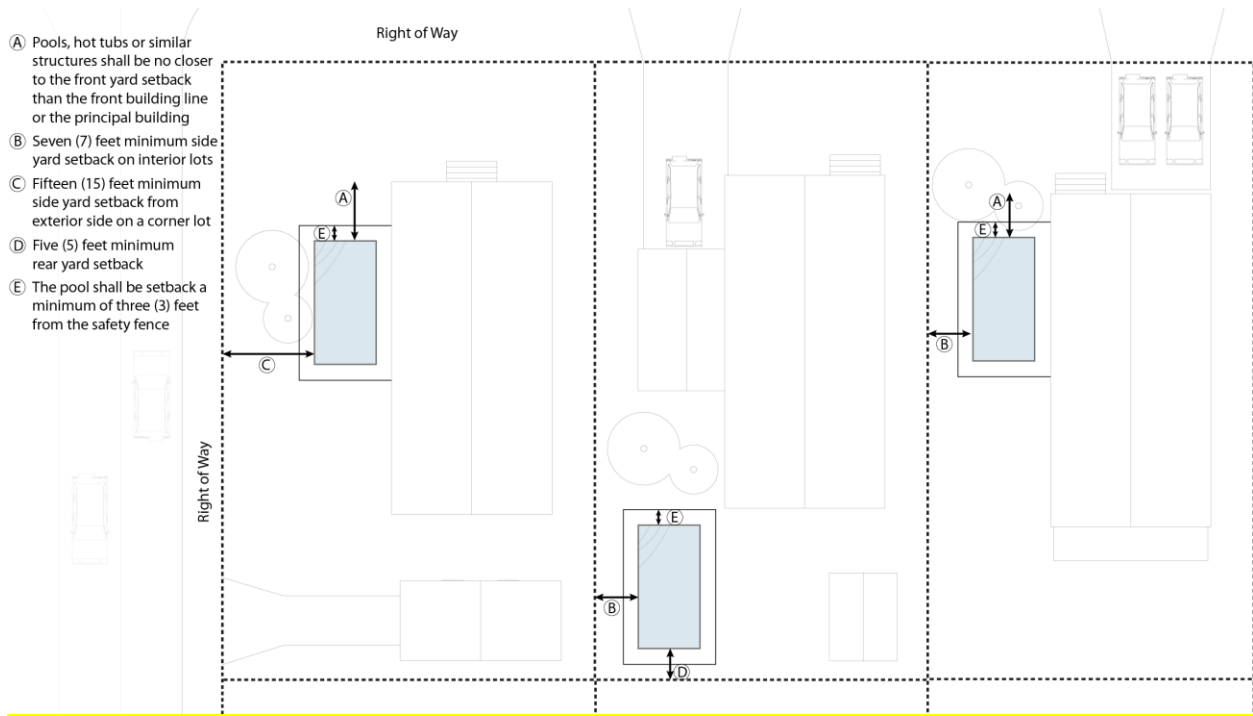
Swimming pools, pool enclosures, hot tubs, and similar structures shall be permitted, provided that the following design criteria are met:

- (1) **Setbacks.** Pools, hot tubs, or similar structures shall be located in side or rear yards. The minimum front setback for a pool, hot tub, or similar structure shall be no closer to the front yard setback than the front building line of the main or principal building as shown in Figure 27-329-1. [See Figures at the end of article V.] In the case of a double frontage lot, a pool may be located in any yard provided that setback requirements are met.
- (2) **Setback maintained.** A minimum of seven (7) feet from the side yard on an interior lot, fifteen (15) feet exterior side yard on a corner lot, seven (7) feet front yard setback on a double frontage lot, and five (5) feet rear yard setbacks shall be maintained (refer to Figure 27-329-2 [at the end of article V]). Minimum setbacks shall be measured from the lip of the pool.
- (3) **Safety fences.** Swimming pools and hot tubs shall be surrounded by an approved wall or fence, which is at least four (4) feet in height, but not over eight (8) feet, and controls unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors and gates. The pool shall be setback at least three (3) feet from the wall or fence, as measured to the lip of the pool.

- (4) *Electric power lines.* Swimming pools and similar structures shall not be located under overhead electric power lines unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
- (5) *Excavations.* Excavations shall not exceed a 1:1 slope from the foundation of an existing house, unless a trench wall is provided.
- (6) *Lights.* Underwater lights used to illuminate the interior of the pool shall be so arranged as not to reflect light onto adjoining premises.

(Ord. No. 2004-10, § 1, 10-4-04)

**Figure 27-329-1**

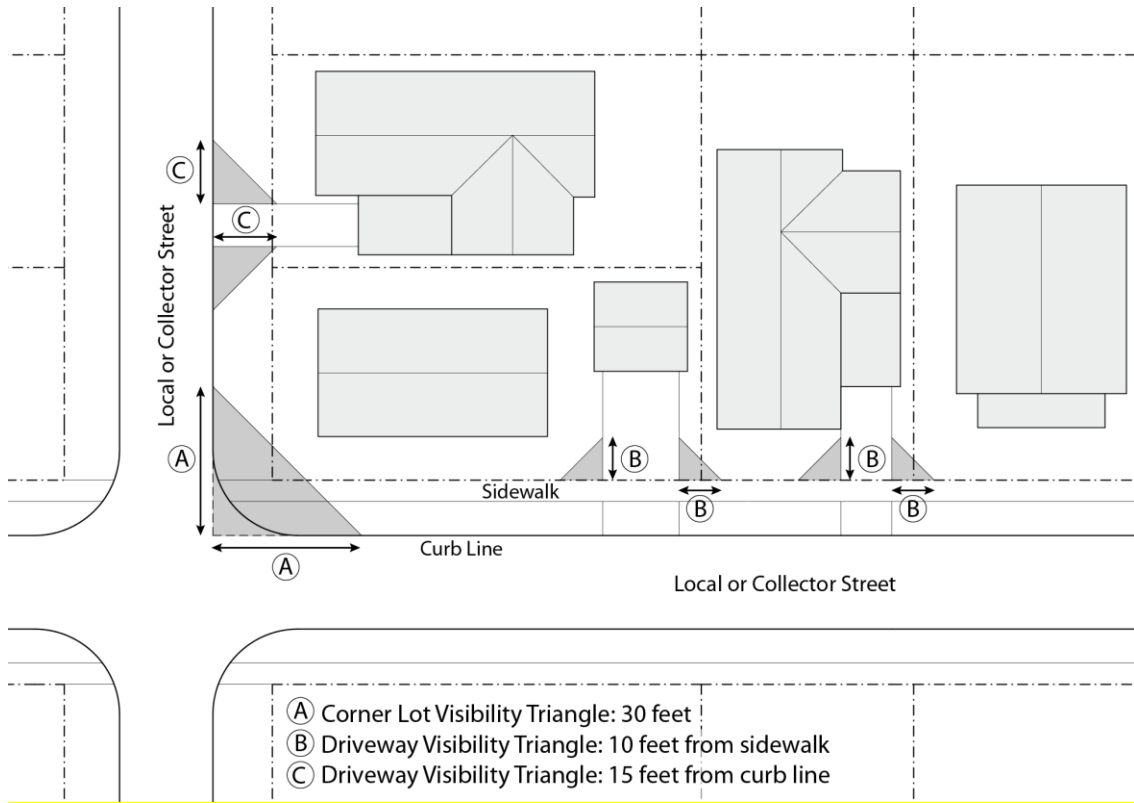


### Sec. 27-330. - Fences, walls and hedges.

- (a) Fences, walls or hedges may be located in all front, side and rear yard setback areas, subject to the following conditions:
  - (1) *Height of fences, walls or hedges.* Fences, walls or hedges shall not exceed four (4) feet in height when placed in the front yard, six (6) feet in height when placed in the side yard, and six (6) feet in height when placed in the rear yard. In the event that a rear yard of a residentially zoned property abuts commercially zoned property, an eight-foot fence for only the rear yard may be constructed with the approval of the city manager, or designee. If a building is situated on the lot closer to the front setback line than the currently required setback, the fence shall not exceed four (4) feet in height forward of the front building line (refer to Figure 27-330-1 at the end of article V). For anyone except public agencies, proposed fences shall meet these height standards and shall go to the Community Development Board for approval.
  - (2) Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. In residential zoning districts, fences, walls or hedges shall not exceed six (6) feet in height when placed in exterior side yards abutting a principal arterial (third street). Such fences or walls are encouraged to meet higher quality construction standards in order to provide genuine sound attenuation. Such fences or walls shall be erected at least three (3) feet inward from the property line and shall be landscaped on the exterior (highway) side by the property owner using evergreen or other perennial plants.

- (3) Fences designed to have airflow, such as shadow box or lattice style fences are to be encouraged to allow for the free flow of breezes. Picket, shadow box and other decorative style fences in keeping with the character and context of the neighborhood are encouraged; chain-link fences are generally discouraged.
- (4) No fence, wall or hedge greater than three (3) feet in height shall be located in the clear visibility triangle on corner lots or in such a way to block the line of sight for motorized vehicles leaving driveways. The vision triangle area shall be determined as follows:
- Corner lot visibility triangle.** Means a triangular area including that portion of the public right-of-way and any corner lots within the adjacent curb lines, or roadway edge if no curb is present, and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine intersection point). For corner lots fronting arterial roads, the setback distance for the two point shall be fifty (50) feet from their intersection.
  - Driveway visibility triangle.** Means a triangular area extending ten (10) feet along the driveway edge and the sidewalk edge, from the point where the driveway meets the sidewalk, and within a diagonal line connecting those two points. If no sidewalk is present, the vision triangle shall mean the area extending fifteen (15) feet along the driveway edge and the curb line, or roadway edge if no curb is present, from the point where the driveway meets the curb, and within a diagonal line connecting those two points. For driveways intersecting arterial roads the triangle shall extend thirty (30) feet in both directions.

Figure 27-330-1



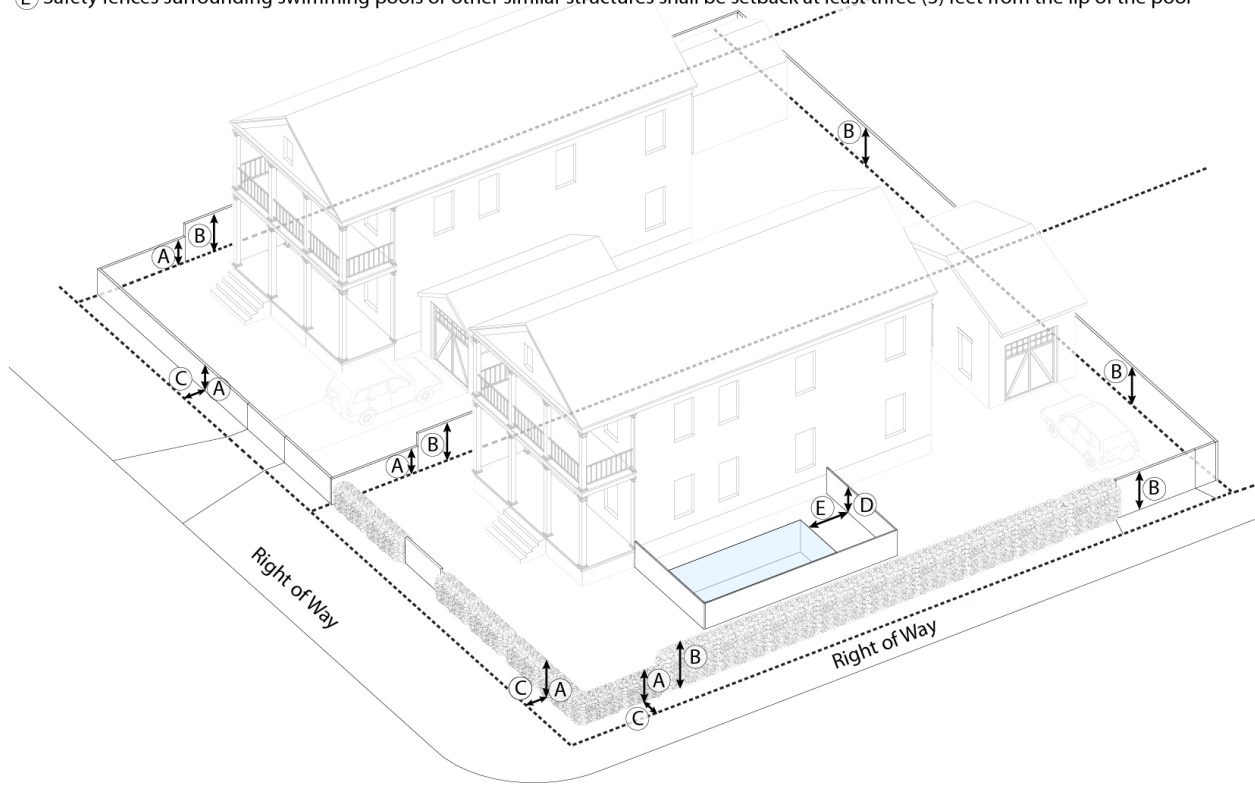
- (5) No fence, wall or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
- (6) Fence posts shall be resistant to decay, corrosion and termite infestation. The posts must also be pressure-treated for strength and endurance.



- (7) Fences installed on the ocean side of ocean front lots shall not exceed four (4) feet in height within the required front setback.
- (8) All replacement fences must meet current zoning requirements.
- (9) The use of barbed-wire and razor wire is prohibited by section 8-4 in all zoning districts.
- (10) All fences shall be maintained in a good state of repair and structurally sound condition, including but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts, and keeping level. Failure to maintain and repair fences may result in the fence being declared a nuisance and abated in accordance with the provisions of chapter 28 of this Code.

**Figure 27-330-2**

- (A) Fences, walls or hedges shall not exceed four (4) feet in height when placed in the front yard
- (B) Fences, walls or hedges shall not exceed six (6) feet in height when placed in the side or rear yard
- (C) Fences, walls or hedges abutting a principal arterial street shall be erected at least three (3) feet inward from the property line
- (D) Safety fences surrounding swimming pools or other similar structures shall be at least four (4) feet in height but not over eight (8) feet
- (E) Safety fences surrounding swimming pools or other similar structures shall be setback at least three (3) feet from the lip of the pool



- (b) *Point of reference for measurement.* The point of reference for determining the height of a fence, wall or hedge shall be the natural lay of the land along the fence, wall or hedge.
- (c) ***Height exemption for public agencies.*** A fence required for safety and protection of hazard by a public agency may not be subject to the height limitations above. Approval to exceed minimum height standards may be given to public agencies by the city upon receipt of satisfactory evidence of the need to exceed height standards for safety/security.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-15, § 1, 9-20-04; Ord. No. 2005-10, § 1, 5-2-05; Ord. No. 2014-02, § 1, 3-3-14; Ord. No. [2016-10](#), § 1, 8-1-16)

**Sec. 27-331. - Temporary structures.**

- (a) Temporary construction trailers or structures.
  - (1) Subject to the following provisions, any person shall obtain a building permit for the construction and/or use of a temporary trailer or structure to be used only as a construction shed and tool house for contractors and construction workers on the site and limited to the time period of construction. This temporary trailer or structure shall not be placed or erected on the property prior to the issuance of a building permit for the applicable construction, and shall be immediately removed upon completion of the construction project or in the absence of a valid, unexpired building permit.
  - (2) It shall be a violation of this section for any person to use the construction trailer or structure for sales purposes without first applying to and receiving written permission from the city council.
  - (3) Construction trailers and structures shall not be used for the purpose of living quarters, and the trailers or structures shall have upon the unit, or attached thereto, an identification sign designating the owner or company and the words "construction office" in full view.
- (b) *Temporary storage structures and uses.* Enclosed portable storage units and structures and accommodations intended only for temporary storage may be used following the receipt of a building permit, payment of the required fee, and subject to the following provisions:  
The building permit submittal package must contain a construction plan designating the proposed location of the temporary storage structure on the lot.
  - (1) Within all residential zoning districts, enclosed portable storage units and structures and accommodations intended only for the temporary storage of personal household belongings of occupants of the property may be placed on the property for a period not to exceed five (5) days or one hundred twenty (120) hours. Registration shall be required for each such use of any temporary storage structures.
  - (2) In the event of damage to a residential dwelling by fire, storm, flood or other such property loss, this period of time may be extended to forty-five (45) days upon request to and written approval of the city manager.
  - (3) Within all nonresidential zoning districts, enclosed portable storage units and structures and accommodations intended only for storage, may be used for temporary storage of items related to the business located on the property, for a period not to exceed thirty (30) days. Such structures shall not be located within required front yards and shall not be used to store any chemical, hazardous, flammable or combustible materials.
  - (4) Temporary storage structures and portable storage units shall not be placed on any street or alley right-of-way or public property. These structures must be placed on the lot in which the use is intended.
- (c) *All structures.* All temporary and portable storage units and structures, construction trailers and the like, shall be constructed, altered, repaired, enlarged, placed, moved or demolished in accordance with applicable provisions of the Florida Building Code as well as all applicable federal, state and local regulations applying to the use and development of land. The issuance of building permits, where required, verifying such compliance shall be administered by the building official.

(Ord. No. 2005-03, § 2, 3-7-05; Ord. No. 2007-20, § 1, 2-4-07)

**Sec. 27-332. - Home-based businesses-occupations.**

This section acknowledges the ability of residents to conduct small-scale home-based businesses that are secondary to the primary use of their residence, in accordance with F.S. § 559.955. This section also provides regulations to preserve the character of residential neighborhoods.

- (a) As an accessory use, the activities of the home-based business must remain secondary to the property's legal use as a residence. The home must remain consistent with the surrounding residential area as viewed from the street, without additional entrances for the home-based

business. External modifications to a home to accommodate a home-based business must conform with the residential character and architectural aesthetics of the neighborhood.

- (b) An employee or proprietor of the business must live in the home. Up to two (2) non-resident employees or independent contractors may also work at the business. The business may also have remote employees that neither live in the home nor work on-site.
- (c) The business may not conduct retail transactions from a structure other than the home; however, incidental business uses and activities may be conducted at the residential property.
- (d) Additional parking spaces are not required for the business, but any on-site parking spaces that serve the business must comply with requirements of this code. Any vehicles or trailers parked at or near the business must be parked in legal parking spaces that comply with all restrictions in this Code that apply to the home, and they may not be parked over a sidewalk. Heavy equipment (commercial, industrial, or agricultural vehicles, equipment, or machinery) may not be parked or stored where it would be visible from the street or neighboring property.
- (e) No extra signs are allowed for the business; signs are regulated by article XV of chapter 27.
- (f) The business must comply with all local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids, including the requirements in section 23-60 of this code regarding prohibited substances.

(g) Home-based businesses may be restricted further on land that is subject to deed restrictions when such documents are valid and recorded in the public records of Duval County.

*Intent:* It is the intent of this section to acknowledge the need for people to conduct a small-scale home occupation, which is secondary to the primary use of the residence, while preserving the character of the residential neighborhoods.

- (a) A home occupation that is used for the purpose of receiving phone calls and keeping records in connection with any profession or occupation or any business activity, as listed in subsection (c)(12) below, shall be permitted in all residential districts, shall require a "home occupation license", and shall meet all other conditions provided herein. All other business activities shall be restricted to the commercial districts.
- (b) Home occupations shall not be permitted in areas which are restricted by deed when such documents are recorded in the public records of Duval County and on file with the City Clerk of the City of Neptune Beach.
- (c) A home occupation shall be allowed in a bonafide dwelling unit, subject to the following:
  - (1) No persons other than the occupants residing on the premises shall be engaged in such occupation. There shall be a limit of one (1) license per person, and no more than two (2) licenses per household. The home occupation shall be nontransferable. If the occupants wishing to engage in the home occupation are not the property owners, a notarized statement from the property owner shall be submitted acknowledging and granting the occupant permission to operate such home occupation.
  - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
  - (3) There shall be no change in the outside appearance of the building or premises, no external sign or other visible evidence that the dwelling is being used for a home occupation.
  - (4) No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached shall be used for a home occupation.

- (5) No pedestrian or vehicular traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
- (6) No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (7) Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition and providing no retail sales are made at the home.
- (8) All business activity conducted on the licensed premises shall be conducted entirely within the dwelling. Outdoor storage or outdoor use of equipment or materials shall not be permitted.
- (9) The following shall not be considered to be home occupations: escort/introduction service, massage therapist, automobile repair, boat repair, small engine repair, welding, manufacturing such as cabinet making, or reupholstering, furniture refinishing or repairs, beauty shops, barbershops, band instrument or dance instructors, studio for group instruction with more than three (3) pupils, public dining facility or tea room, antique or gift shops, photographic studio, fortune telling or similar activity, outdoor repair, food processing, retail sales, nursery school, or kindergarten, lingerie modeling or real estate brokers or other similar uses not listed.
- (10) The giving of instruction to a group of three (3) or less at a time, such as an art or piano teacher, shall be deemed a home occupation, provided that instruction as a home occupation for those activities listed in subsection 27-332(c)(9) above, shall be prohibited.
- (11) A home occupation shall be subject to all applicable occupational licensing requirements, fees and other business taxes.
- (12) The following typical occupations that are acceptable as home occupations include, but are not limited to: Accountant, architect, artist, attorney, auctioneer, bookkeeper, carpenters, cosmetic sales, minor contractors doing remodeling or home repairs, consultant, hobby/crafts (not involving heavy equipment), insurance agent, maid/janitorial or lawn services, music instructor, painters, photographer, piano tuner, repairmen (household appliances), seamstress or tailor, secretarial services, telephone answering service, travel agents and window cleaners.
- (13) If at any time there is a complaint of noncompliance of the above which is sustained, the home occupation license shall be revoked per code enforcement board action.
- (14) Home occupations existing at the time this section is adopted will comply substantially with the standards of this section on or before October 1, 1992.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-333. Prohibited activities.**

- (a) It is unlawful for any owner, landlord, rental agent or other person to enter into any rental or lease agreement or arrangement, whether verbally or in writing, whereby occupation of any dwelling unit is given, furnished, granted, allowed or made available to persons where such occupancy is in violation of section 27-15. It is further unlawful for any owner, landlord, rental agent or other person to permit or allow the occupation of any dwelling unit where such occupancy is in violation of section 27-15.
- (b) This section shall not apply to motels, hotels and licensed bed and breakfast facilities.
- (c) Any violation of this section shall subject the owner to a citation for violation of this article and proceedings before the code enforcement board with all appropriate penalties and sanctions.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-06, § 2, 5-1-06)*

**Sec. 27-334. — Erection of more than one main use structure on a lot.**

More than one (1) main use structure for a permitted or principal use shall not be erected on a single lot except as follows:

- (1) More than one (1) structure may be erected on a single lot provided yard, area and other requirements of the appropriate articles are met for each structure as though it were on an individual and separate lot; and
- (2) More than one (1) structure used for multifamily residential purposes may be erected on a single lot provided that an open space of not less than ten (10) feet is provided between each structure and all lot lines and minimum area requirements for all such buildings are met.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-335. — Parking, storage or use of major recreational equipment.**

No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yard and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment and other similar trucks or equipment.

Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2011-11, § 1, 6-6-11)*

**Sec. 27-336. — Parking of heavy commercial vehicles in residential districts.**

Heavy commercial vehicles shall not be parked in any residential district except as permitted for home-based business according to the restrictions in Sec. 27-332 or as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at structures or activities permitted in such residential districts by the terms of this chapter. For purposes of this section, heavy commercial vehicle shall be defined as any truck, bus, tractor, trailer or semi-trailer having a gross vehicle weight rating in excess of twelve thousand (12,000) pounds, excluding major recreational vehicles.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-337. — Use of residentially zoned property for access.**

No land that is residentially zoned shall be used for driveway, walkway or access purposes to any land which is not residentially zoned, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

*(Ord. No. 2004-10, § 1, 10-4-04)*

*[these sections will be moved to Land Use Article IV]*

**Sec. 27-333. 27-337. - Reserved.**

**Sec. 27-338. - Docks, retaining walls and bathouses.**

- (a) *Purpose and intent.* It is the intent of this section to insure that on intracoastal, lake front, marsh front, canal front, and stream front lots, no boating hazards will be created, effective flow of stormwater runoff will be maintained and water pollution from stormwater runoff and other sources will be minimized.
- (b) *Site plan.* A building permit shall not be issued for any new dock, addition to any existing dock, fence or wall, or significant change of an existing property on an intracoastal, lake front, marsh front, canal front, or stream front lot until a satisfactory site plan therefore is reviewed and approved.
- (c) *Docks.* The following minimum or maximum standards shall apply to all construction or renovation of docks:
  - (1) A building permit is required and all construction will adhere to Florida Building Code. Construction plans for docks shall be submitted for development review. All dock facilities are subject to and shall comply with all federal and state requirements and permits, including but not limited to, the requirements and permits of the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers and the St. Johns River Water Management District. Permits from the Neptune Beach Building Department shall be approved but not issued until receipt and confirmation of required federal and state approvals.
  - (2) No dredging or filling of marshlands shall be permitted except for that necessary to install dock pilings. Reasonable maintenance dredging within the main channel banks is permitted.
  - (3) Docks shall only extend far enough to reach a maximum water depth of four (4) feet below mean low-water, twenty (20) percent of the width of the waterbody (measured from mean high-water line to mean high-water line), or five hundred (500) feet, whichever is less. Docks shall be sited so as to extend to the nearest navigable waterbody and no further. If a bulkhead exists along the shoreline and the water depth at that point is already four (4) feet below mean low-water, the dock shall not extend more than twenty-five (25) feet beyond the bulkhead.
  - (4) The access walkway of docks shall be a maximum of four (4) feet in width. A single terminal platform of any dock shall be a maximum of two hundred (200) square feet and shall be constructed and located only at the terminal end portion of the dock, furthest from the shoreline. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least one-half inch apart.
  - (5) If the length of the shoreline is sixty-five (65) feet or more any new dock with an access walkway (a walkway extending out from the abutting property) shall be constructed twenty-five (25) feet from a side lot line. Docks without an access walkway must be set back at least ten (10) feet from the property line. If the shoreline length is less than sixty-five (65) feet a dock shall be centered between the property lines.
  - (6) Only one (1) dock is permitted per lot of record with no more than one (1) dock allowed per single-family home.
  - (7) Docks shall be constructed no higher than five (5) feet above the mean high-water line (for open water) and above the average ground contour (for ephemeral lands).
  - (8) To ensure that all docks shall be utilized only for boating or other recreational activities and not as living space, there shall be no bathrooms or cooking facilities permitted on docks, nor as an improvement to an existing boathouse. No enclosed walls shall be permitted.
  - (9) Boat storage includes the area to store a boat and the necessary ramp/walkway to access the boat if applicable. The total area calculation for a dock includes the boat storage, ramp/walkway and any portions of the roof that hangs over the water beyond the dock platform.
  - (10) Boat storage mechanisms can be ride-on-ramp, vertical wench or any other industry acceptable standard.

- (11) The sale or lease of a portion of an intracoastal, lakefront, marsh front, canal front and stream front lot after June 4, 2007, shall be construed as a subdivision and shall not enable the owners to make application for a dock and/or boathouse unless that subdivision has received the approval of the city council.
- (12) Lighting fixtures may be installed upon docks, boat davits and boat lifts only in accordance with the following standards:
- a. Lighting required under federal laws or regulations as an aid to navigation is permitted on the docks, boat davits and boat lifts, in accordance with United States Coast Guard standards.
  - b. Other lighting fixtures may be installed on docks only providing they are mushroom-type fixtures designed to direct light downward, installed at least twenty-five (25) feet apart, not more than one (1) foot above the surface of the dock, and limited to twenty-five-watt incandescent yellow bulbs.
  - c. All existing lighting on docks, boat davits and boat lifts which does not conform to these standards shall be deemed nonconforming and shall be made to conform.
- (d) *Retaining walls.* The construction of retaining walls or seawalls shall be performed in accordance with this chapter and chapter 8 of Code of Ordinances for the City of Neptune Beach.
- (e) *Boathouse lots.* Boathouse lots are defined as lots which exist along the water front and were accepted by the city under the premise that these lots would serve only as water access for the residents of a specific subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. In accordance with the policies contained with chapter 27, Land Development Regulations, the following regulations shall apply:
- (1) The buildability and use of all boathouse lots, which are determined to be accessory lots shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.
  - (2) Boathouse lots which are held June 4, 2007, by property owners residing outside of the subdivision for which they are platted shall be nonconforming boathouse lots which may still be used for constructing a boathouse and for water access. However, any boathouse lots owned by real property owners on June 4, 2007, in the subdivision for which they were platted, shall only be buildable and used to serve the lake access need of residents of that subdivision.
  - (3) Minimum lot widths shall be fifty (50) feet.
- (f) This section is exempt from the provisions of section 27-328, Other accessory structures.

(Ord. No. [2017-15](#), § 1, 6-5-17)

**Sec. 27-339. - Allowing dogs in outside dining areas under certain conditions.**

- (a) The city manager may issue a permit to eating establishments allowing dogs in outside dining areas.
- (b) The issue of the permit will be based on the required guidelines in F.S. § 509.233.
- (c) Permit holders permit will be revoked for failure to adhere to the guidelines set out in the permit as required by F.S. § 509.233.

(Ord. No. 2008-14, § 1, 12-2-08)

**Sec. 27-340. – ~~Reserved~~ Accessory apartments.**

An accessory apartment is a small dwelling unit located on the same lot as a single-family or two-family (duplex) residence. An accessory apartment is a permitted accessory use to a lawful single-family or two-family (duplex) residence. An accessory apartment is a permitted accessory use to a lawful single-family or two-family (duplex) residence provided the following conditions are met:

- (1) The accessory apartment plus the dwelling unit in the principal structure must, when combined, comply with the density restrictions for the designation of the lot on the adopted future land use map. See section 27-242 regarding density calculations.
- (2) The accessory apartment cannot exceed eight hundred (800) square feet in floor area, and if built over a detached garage, cannot exceed the allowable floor area for the garage (see section 27-328).
- (3) The accessory apartment may be located within the main residence or attached to it, or may be located in an accessory structure that meets the locational and dimensional requirements in section 27-328
- (4) The accessory apartment may have a separate entrance or it may be entered from inside the principal structure



## Exhibits, Figures and Tables

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

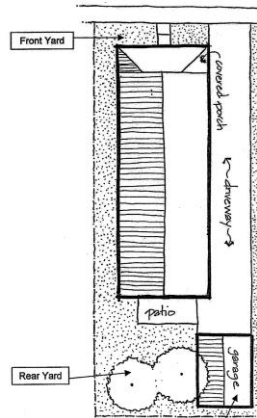


Figure 27-328-1

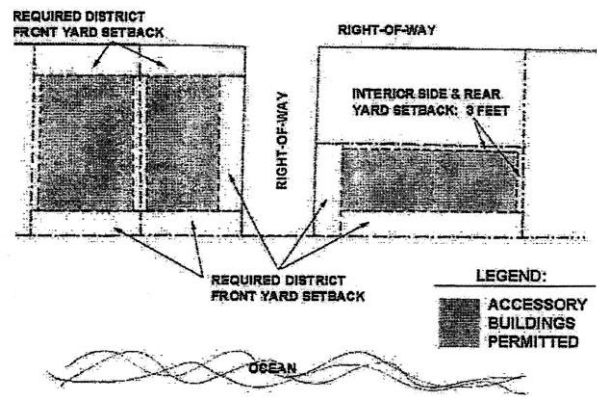


Figure 27-328-2

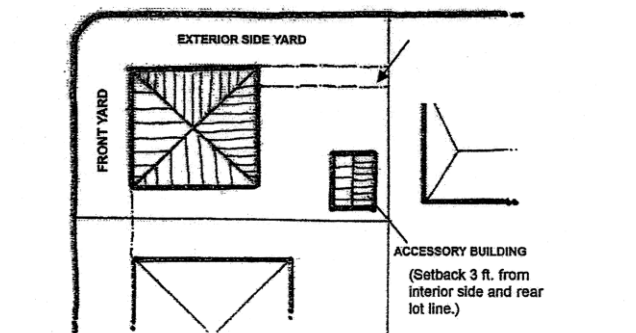
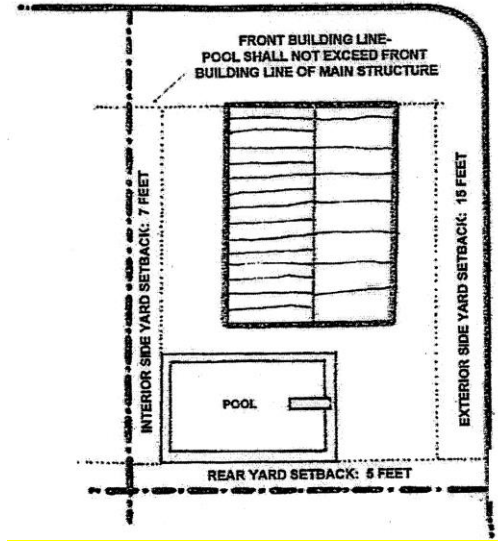
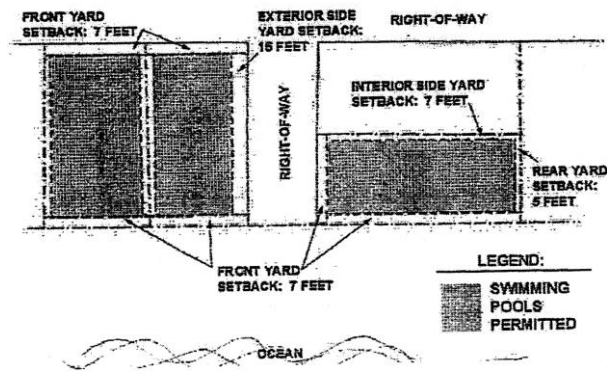


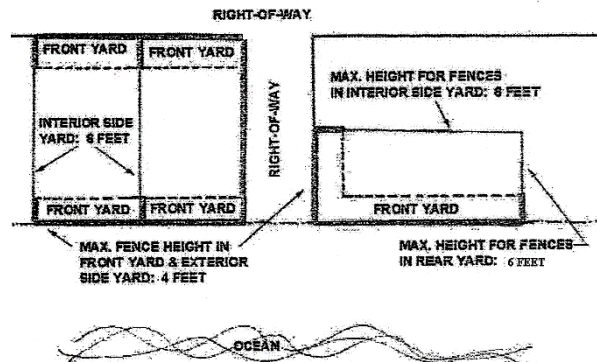
Figure 27-328-3



**Figure 27-329-1**



**Figure 27-329-2**



**Figure 27-330-1**

## **ARTICLE VI. - CONCURRENCY<sup>[11]</sup>**

### **Sec. 27-341. - Reserved.**

### **Sec. 27-342. - Generally.**

This article describes the requirements and procedures to ensure that public facilities and services needed to support proposed developments are available concurrent with the impacts and consistent with the adopted level of service standards.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-343. - Applicability.**

The terms and provisions of this article apply to all lands within the city.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-344. - Findings of fact.**

The city council finds that:

- (1) The requirements of this article are necessary for the health, safety, and welfare of the citizens of the City of Neptune Beach; and
- (2) Not all development will cause significant impacts upon the level of service of public facilities to warrant full compliance with concurrency requirements.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-345. - Purpose and intent.**

The provisions of this article shall be implemented to ensure that public facilities are available concurrent with the impact of the development.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-346. - Reserved.**

### **Sec. 27-347. - Concurrency certificate required.**

A concurrency certificate shall be required prior to the issuance of any final development order ~~for final development permit~~.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-348. - Exemptions.**

The following are exempt from all concurrency requirements, except that the developer shall submit a concurrency certificate application as provided for in this article:

- (1) Developments that were issued a development permit prior to April 1, 1990;
- (2) An amendment to a development order that does not result in increased impacts as stated in the concurrency certificate;
- (3) Development orders and permits that may be needed for:
  - a. Accessory structures as defined in article V of this Code;

- b. Additions or changes to approved existing residential structures which will not result in an increase in dwelling units;
  - c. Changes in use of commercial or industrial structures that do not result in uses of greater intensity.
- (4) Developments with a vehicular trip rate of ten (10) or less average daily trips (ADT).
- (Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-349. - Concurrency certificate application requirements.**

- (a) All applications shall be in writing and in such form as may be determined by the city council.
- (b) The application shall, at a minimum, include the following:
  - (1) Name and address of the owner and agent, along with signatures of the same;
  - (2) Address and legal description of the property;
  - (3) The proposed type of development;
  - (4) When the proposed development will occur and whether the proposed development will be phased; and
  - (5) Whether the development is exempt from concurrency requirements as provided for in this article.
- (6) Payment of the official filing fee as set by resolution of the city council.**
- (c) The developer may include as part of the application any studies, calculations, or measurements that can be used to determine the impact of the proposed development on public facilities.
- (d) If the developer decides to provide some or all of the needed facilities to satisfy the concurrency requirements, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-350. - Procedure for applying for and issuing a concurrency certificate.**

- (a) Prior to submitting a concurrency certificate application, the developer is encouraged to meet with the city manager, or designee to informally discuss the application.**
- (b) The following steps shall be followed to apply for and to issue a concurrency certificate:
  - (1) *Submittal of application.* Prior to submitting an application for a development order, the developer shall submit a completed concurrency certificate application, as described in this article, to the city manager.
  - (2) *Determination of completeness.* The city manager shall determine that the information on the application is complete or incomplete and notify the developer of any deficiencies.
  - (3) *Determination of concurrency.* If the proposed development is not exempt from concurrency requirements, as provided for in this article, the city manager shall prepare an assessment of project-related impacts, as described in this article, and an assessment of public facility capacity, as described in this article. The city manager may require a professional study done by a certified specialist in the impacted field. All studies shall be commissioned by the city and done at the expense of the developer in conformance with this article. Based on these, the city manager shall determine if available capacity for all public facilities exceeds project-related impacts.

- (4) *Notification.* Within fifteen (15) days from the date the developer submits a completed concurrency certificate application, the city manager shall either:
- Issue the concurrency certificate, if the proposed development is exempt from concurrency requirements or if available capacity exceeds projected-related impacts for each public facility; or
  - Notify the developer in writing that a concurrency certificate cannot be issued for the development as proposed, if the project-related impacts exceed the available capacity for one (1) or more public facility.
- (5) If the proposed development is not exempt from concurrency requirements, as provided for in this article, the city manager shall physically attach the assessment of project-related impacts and assessment of public facility capacity to the concurrency certificate application.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2007-04, § 1, 6-4-07)

**Sec. 27-351. - Adopted levels of service standards.**

The following level of service standards, as provided for in the comprehensive plan, shall be used to determine whether the proposed development is or will be served by adequate public facilities:

Type of facility	Level of service
(6) State Roads Traffic Circulation	"D" for Third Street and Atlantic Boulevard (unless deemed constrained or backlogged)
(2) Sanitary Sewer: Residential Service Commercial Service	100 406 gallons per capita per day Consistent with estimated flows in Table 1 of Chapter 62-6 40D-6, F.A.C.
(4) Potable Water: Residential Service Commercial Service	100 429 gallons per capita per day Consistent with estimated flows in Table 1 of Chapter 62-6 40D-6, F.A.C.
(5) Drainage	Meet St. Johns River Water Management District Environmental Resource Permitting (ERP) rules for all new development and significant redevelopment, excluding residential lots less than 0.25 acres; provide treatment and attenuation for both flow and volume.
Drainage Stormwater Quantity	New developments: 3-year frequency, 1-hour duration for drainage collection systems and pipes and 25-year frequency, 24-hour duration for retention ponds and basins.
Stormwater Quality	No discharge from any stormwater discharge facility shall cause or contribute to a violation of water quality standards as provided for by State statutes.
(3) Solid Waste	7.1 pounds per capita per day
(1) Parks & Recreation: and Open Space Neighborhood Park Playground (w/ equipment) Volleyball Court Tennis Court Beach Access Jogging/Exercise Trail	2 acres/1,000 population residents (not including preserves or beaches) 1 per 2,500 population 1 court per 5,000 population 1 court per 5,000 population 1 access per 1,000 population 1 mile of trails per 2,000 population

(7) Public School	105% of the permanent Florida Inventory of School House (FISH) capacity, plus portables, based on the utilization rate as established by the State Requirements for Educational Facilities (SREF)
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(Ord. No. 91-1-5, § 2, 5-6-91)

**Sec. 27-352. - Criteria for satisfaction of concurrency requirements.**

The following criteria shall be used to determine when concurrency has been satisfied:

**Category 1.**

- (1) The facilities needed to meet the adopted level of service standards are in place at the time a development order permit is issued; or
- (2) A development order permit is issued subject to the conditions that the facilities needed to meet the adopted level of service standards will be in place when the impacts of development occur; or
- (3) The facilities needed to meet the adopted level of service standards are under construction when a development order permit is issued; or
- (4) The facilities needed to meet the adopted level of service standards are guaranteed in an enforceable development agreement that includes the provisions of 1, 2, and 3 above.

**Category 2.**

- (1) The facilities needed to meet the adopted level of service standards are subject to a binding executed contract which provides for commencement of construction or provision of the required facilities and services within one year of the issuance of the development order permit; or
- (2) The facilities needed to meet the adopted level of service standards are guaranteed in an enforceable development agreement that requires commencement of construction of the required facilities or provision of the required facilities and services within one year of the issuance of the development order permit.

(Ord. No. 91-1-5, § 2, 5-6-91)

**Sec. 27-353. - Satisfaction of concurrency requirements for potable water, sanitary sewer, solid waste, and drainage.**

For potable water, sanitary sewer, solid waste, and drainage, concurrency shall be met if one of the Category 1 provisions, as listed in section 27-352 of this Code, has been satisfied.

(Ord. No. 91-1-5, § 2, 5-6-91)

**Sec. 27-354. - Satisfaction of concurrency requirements for recreation and open space.**

For recreation and parks, concurrency requirements shall be met if one of the Category 1 or Category 2 provisions, as listed in section 27-352 of this Code, has been satisfied.

(Ord. No. 91-1-5, § 2, 5-6-91)

**Sec. 27-355. - Satisfaction of concurrency requirements for state roads.**

For state roads, concurrency shall be met if:

- (1) One of the Category 1 or Category 2 provisions, as listed in section 27-352 of this Code, has been satisfied; or

(2) If the road is scheduled for improvement prior to the beginning of the fourth year of the currently adopted Five-Year Schedule of Capital Improvements in the Neptune Beach comprehensive plan; or

(3) At the discretion of the City, developments may satisfy concurrency requirements by entering into a development agreement to pay for or construct a proportionate share of one or more mobility improvements that will benefit a regionally significant transportation facility. The terms of this agreement must comply with the proportionate fair-share requirements in Chapter 163.3180(5), Florida Statutes.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-356. - Remedies for meeting concurrency requirements.**

If any concurrency requirements cannot be satisfied as specified in this article, the developer may take the following corrective actions:

- (1) Provide the necessary improvements to maintain the adopted level of service; or
- (2) Reduce the impact of the proposed project so that concurrency requirements are met.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-357. - Required action if development fails to meet a condition of approval.**

If a development fails to meet a condition of approval as specified in sections 27-353 to 27-355, no additional development orders, development permits, or certificates of occupancy may be issued for the development until such time as the conditions of approval have been fully satisfied.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-358. - Development to be consistent with terms of development order or development permit.**

- (a) All development shall be consistent with the terms and conditions of the development order or development permit for which a concurrency certificate was issued.
- (b) Any proposed change from the development order or development permit, except for deviations required by governmental action and minor deviations, as described in article III, shall cause the proposed change to be subject to concurrency review and issuance of a concurrency certificate if applicable.
- (c) In those portions of the development which are not affected by the proposed change, development that is unrelated to the change may continue, as approved, during the review of the proposed change.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

### **Sec. 27-359. - Assessment of project-related impacts.**

- (a) The assessment of project-related impacts shall be in writing and in such form as determined by the city manager.
- (b) The assessment of project-related impacts may be based on any studies, measurements, or calculations prepared by the developer or upon professionally acceptable methods.
- (c) The selected methodologies must be clearly described and the data sources must be clearly identified.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-360. - Assessment of public facility capacity.**

- (a) The assessment of public facility capacity shall be in writing and in such form as determined by the city manager.
- (b) The assessment shall, at a minimum, include the following types of information for each public facility:
  - (1) Design capacity;
  - (2) Improvement capacity of new facilities that will become available on or before the date of occupancy of the development, if any, provided that:
    - a. Construction of the new facilities is under way at the time of issuance of the final development order;
    - b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order; or
    - c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order pursuant to F.S. Ch. 380. Such facilities shall be consistent with the capital improvements element of the comprehensive plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur;
  - (3) Used capacity;
  - (4) Reserve capacity; and
  - (5) Available capacity.
- (c) In determining the facilities to be impacted by the proposed development, the city manager shall use the following criteria:
  - (1) Roads, determined on a case-by-case basis;
  - (2) Sanitary sewer, treatment plant service area;
  - (3) Solid waste, city-wide;
  - (4) Drainage, drainage sub-basin;
  - (5) Potable water, treatment plant service area; and
  - (6) Parks and recreation, city-wide.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-361. - Expiration of concurrency certificate.**

- (a) If a development fails to commence in good faith within one (1) year from the date the development order is issued, the concurrency certificate shall be null and void.
- (b) If a development commences in good faith, but is not completed within one (1) year from the date the development order is issued, the community design development board may grant extensions to the concurrency certificate.

*(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 37, 9-7-10)*



**Sec. 27-362. - Annual report required.**

By January 1 of each year, the city shall prepare an annual report that includes, at a minimum, a summary:

- (1) For each public facility including:
  - a. Current capacity used;
  - b. Reserved capacity;
  - c. The remaining facility capacity.
- (2) Of building permit activity, indicating:
  - a. Those that expired without commencing construction;
  - b. Those that are active at the time of the report;
  - c. The quantity of development represented by the outstanding building permits;
  - d. Those that result from final development orders issued prior to the adoption of this Code; and
  - e. Those that result from final development orders issued pursuant to the requirements of this Code.
- (3) A summary of final development orders issued, indicating:
  - a. Those that expired without subsequent building permits;
  - b. Those that were completed during the reporting period;
  - c. Those that are valid at the time of the report but do not have associated building permits or construction activity; and
  - d. The phases and quantity of development represented by the outstanding final development orders.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-363. - Procedure for appeal.**

Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the community design development board as provided for in article III.

*(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 38, 9-7-10)*

**Secs. 27-364—27-370. - Reserved.**

**ARTICLE VII. - PROTECTION OF POTABLE WATER WELLFIELDS**

**Sec. 27-371. - Reserved.**

**Sec. 27-372. - Generally.**

This article establishes regulations for controlling development activities surrounding wellheads.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-373. - Findings of fact.**

The city council finds that a clean source of potable water is vital for the continued welfare for citizens and visitors to Neptune Beach.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-374. - Purpose and intent.**

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

- (1) To safeguard the health, safety, and welfare by ensuring the protection of the principle source of water from potential contamination; and
- (2) To control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-375. - Reserved.**

*Editor's note— Ord. No. [2017-16](#), § 1, adopted June 5, 2017, relocated the provisions of § 27-375, Definitions, to § 27-15 herein. Former § 27-375 derived from Ord. No. 91-1-5, § 2, adopted May 6, 1991.*

**~~Sec. 27-376. - Reserved. Development activities within wellhead protection zones.~~**

~~No development activities shall take place in the wellhead protection zone.~~

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Sec. 27-377. - Development activities within wellhead buffer zones.**

**(a) The following land uses are prohibited within wellhead buffer zones, which consist of all land within 200 feet of a potable water well:**

- (1) Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (F.S. Ch. 442);
- (2) Activities that require the storage, use, handling, production or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc;
- (3) Wastewater treatment plants, percolation ponds, and similar facilities; and

~~(4) Excavation of waterways or drainage facilities which intersect the water table.~~

**(b) These prohibitions are in addition to other protective measures for wellfields that may be imposed by county, regional, state, or federal authorities.**

*(Ord. No. 91-1-5, § 2, 5-6-91)*

**Secs. 27-378—27-390. - Reserved.**

## **ARTICLE XIII. - OFF-STREET-PARKING AND LOADING**<sup>[16]</sup>

### **Sec. 27-531. - Reserved.**

### **Sec. 27-532. - Generally.**

This article establishes minimum requirements and design standards to ensure safe storage for bicycles and motor vehicles, motor vehicles, bicycles, and other permitted mobility devices consistent with good engineering and development design practices. All new uses and structures as well as expanded structures and uses as provided in this article, shall meet all requirements contained in this section for off-street parking and loading. Where fractional spaces result from parking space requirement calculations, the parking space required shall be the nearest whole number.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-533. - Applicability.**

Off-street parking and loading facilities shall be provided for all development. Parking and loading facilities shall be provided for all new developments and when a structural alteration in an existing building produces an increase in intensity of use (e.g. more dwelling units, guest rooms, or seating capacity) or when there is a change from less intensive uses to more intensive uses (e.g. strip commercial to medical office or storage facility to restaurant/dining) within the city pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-534. - Findings of fact.**

The city council finds that:

- (1) Off-street parking and loading of vehicles promotes-promote the public safety and welfare by reducing traffic congestion.
- (2) Well-designed off-street parking and loading areas promote the safe and efficient storage, loading and circulation of vehicles.
- (3) Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and spaces and taking into account public demand and the size of vehicles to be parked, conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.
- (4) Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling stormwater runoff.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-535. - Purpose and intent.**

The provisions of this article shall be to regulate and ensure the provision of adequate parking and access for bicycles and motor vehicles. The section also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that the parking needs of new land uses and development are met, while being designed and located be implemented to assure that all developments provide for adequate and safe storage and movement of bicycles and vehicles in a manner consistent with community standards and good engineering and site design principles.

*(Ord. No. 2004-10, § 1, 10-4-04)*

## Sec. 27-536. - Definitions.

Refer to article I for definitions.

**Moped** shall mean a type of small motorcycle, which is comprised of two wheels, a seat with a footrest in front, foot pedals, a handlebar for steering, and an engine in the back. The engine size is typically 50cc's or less, as mopeds often also rely on the rider's pedaling for power.

**Motorized kick scooter** shall mean a motor-powered personal mobility device, typically electric, which is comprised of two small wheels, a platform deck, and handlebars for steering. While designed to be ridden standing upright on the deck, some can be converted into seated scooters with a removable seat accessory. Top speeds vary from 15 to 30 miles per hour and these scooters typically weigh between 20 and 35 pounds.

**Scooter** shall mean a type of small motorcycle, which is comprised of two wheels, a single or double seat with a footrest in front, a handlebar for steering, and an engine in the back. Unlike mopeds, there are no foot pedals and the engine power can vary from 50cc to 250 cc. Though unlike motorcycles they typically have automatic transmissions, scooters must also have all the same equipment as motorcycles, including turn signals, a license plate, and headlights.

(Ord. No. 2004-10, § 1, 10-4-04)

## Sec. 27-537. - General provisions.

- (a) *Continuation.* Off-street parking or off-street loading facilities shall be maintained and continued so long as the main use continues.
- (b) *Multiple use of off-street parking or loading facilities.* No part of required off-street parking or loading facilities provided in connection with one (1) structure or use shall be used to meet the requirements for another structure or use, except where a specific provision to the contrary is made in this Code.
- (c) *Existing uses.* The following provisions apply to existing buildings and uses:
  - (1) *Repair.* Conforming structures and uses that existed as of the effective date of this Code may be modernized, altered, or repaired without providing additional off-street parking or off-street loading facilities, provided there is no increase in area or capacity.
  - (2) *Enlargement.* Where conforming structures and uses that existed as of the effective date of this Code are increased in capacity by adding dwelling units, rental units, floor area, volume, capacity, or space occupied, off-street parking and off-street loading shall be provided so that the total spaces fulfill the current requirements specified in this article.
  - (3) *Change in use.* The change in use of a conforming or nonconforming structure or use existing as of the effective date of this Code, shall require additional off-street parking or off-street parking requirements which would have been required for the new use had the parking regulations been applicable thereto. However, if documentation can be provided verifying a valid business tax receipt ~~occupational license~~ for the most previous use has not expired for more than three (3) consecutive years, credit shall be given for the required parking related to that use. Any development that requires more than six (6) parking space credits shall be considered a special exception and subject to the criteria for parking requirements within four hundred (400) feet of the principal structure.

(Ord. No. 2004-10, § 1, 10-4-04)

## Sec. 27-538. - ~~Reserved. Exemptions.~~

~~The community development board may exempt, in whole or in part, any historical significant property from the provisions of this article, provided that the exemption is needed to allow a viable use of the structure and does not contribute to a severe parking shortage or to severe traffic congestion. If~~

appropriate the community development board may require off-site parking within four hundred (400) feet of the premises. Any parking facilities provided shall meet the specific dimensional and design requirements contained in this section.

[Moved to Section 27-540]

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 47, 9-7-10)

### Sec. 27-539. - Submission of plans.

A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking or loading. The plan shall accurately designate the required parking or loading spaces, access aisles, and driveways, and the relationship of the off-street parking or loading facilities to the uses of structures such facilities are designed to serve. No permits shall be issued for any parking lot until the plans and specifications, including required landscaping, materials, and storm drainage, have been submitted to and approved by the city manager or designee as per the development plan review process in ~~article~~ Article III. These plans and specifications shall include proper drainage and stormwater retention, surface materials, curbing and screening as required, clearly marked and dimensioned, with ~~handicap~~ ADA-accessible and other special use spaces designated. All entrances, exits and aisles shall be dimensioned, with the traffic pattern indicated.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 48, 9-7-10)

### Sec. 27-540. - Off-street Parking requirements.

(a) *Minimum number required.* The minimum number of off-street automobile parking spaces that must be provided shall conform to the requirements as provided for in Table 27-540-1 ~~[located at the end of article]~~. Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed, unless a reduction is granted pursuant to section 27-546.

(b) *Exemptions.* The community development board may exempt, in whole or in part, any historically significant property from the provisions of this Article, provided that the exemption is needed to allow a viable use of the structure and does not contribute to a severe parking shortage or to severe traffic congestion. If appropriate the Community design board may require off-site parking within four hundred (400) feet of the premises. Any parking facilities provided shall meet the specific dimensional and design requirements contained in this section.

(bc) *Parking reductions.* The community development board may grant a reduction in the parking requirements set forth in this section in the following cases:

1. *Parking reduction in the Central Business District (CBD).* ~~in the central business district.~~ Given the minimum number of off-street parking spaces required in Table 27-540-1 ~~[located at the end of article]~~, the parking requirement calculated for any uses permitted or permitted by special exception in the CBD zoning district shall be reduced by fifty (50) percent. This parking reduction shall only apply to non-ADA parking space requirements. Property owners shall still have to provide the total number of ADA spaces required per Table 27-540-1.
2. *Bicycle parking reductions in the Central Business District (CBD) and Neighborhood Center (NC) Overlay.* The vehicular parking requirement calculated for any uses permitted or permitted by special exception in the CBD zoning district or NC overlay shall be reduced at a rate of one (1) percent for every two (2) bicycle parking spaces provided above the minimum requirements in Sec. 27-542, for a maximum parking reduction of five (5) percent (or ten additional bicycle parking spaces). This reduction can be applied on top of the CBD parking reduction described in above. Bicycle parking spaces must be whole contained within the property boundaries in order to qualify for this reduction.
3. *Reduction for mixed or joint use of parking spaces.* The community design board may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap, provided that:

- i. The developer submits sufficient data to demonstrate that hours of maximum demand for parking, calculated using the Institute of Transportation Engineers (ITE) manual for peak trip generation, at the respective uses do not normally overlap
  - ii. The developer submits a joint parking agreement guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code. (Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 52, 9-7-10)
  - iii. The development submits a scales site plan for parking areas
- (d) Parking Calculations. The following criteria shall contribute to the calculation of the minimum number required in addition to provisions found in Table 27-540-1
  - 1. *Credits for on-street parking.* On-street parking spaces along lot frontages may count towards the minimum number of required parking spaces. Developments within the Central Business District, the R-4 districts, and Commercial districts are encouraged to provide on-street parking to the fullest extent possible.
  - 2. *Compact space allocation.* A maximum of ten (10) percent of the calculated required parking spaces may be for compact cars, golf carts, or low-speed vehicles. If any parking spaces required are deferred the provision of compact spaces shall be prorated based on the entire parking requirement.
  - 3. *Calculating number of employees.* For the purpose of calculating off-street parking requirements, the number of employees shall be the largest number of employees at any given period. (Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 49, 9-7-10)
  - 4. *Number required for uses not listed.* The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the community design board. The Board shall consider requirements for similar uses and appropriate traffic engineering and planning data and shall establish a minimum number of parking spaces based upon the principles of this Code.
  - 5. *Maximum number of spaces for shopping center.* The maximum number of parking spaces provided for a shopping center use may not exceed the minimum requirements by more than twenty-five (25) percent or thirty (30) spaces, whichever is less.
- (e) *Off-site parking.* All required off-site parking spaces and the use they are intended to serve shall be located on the same parcel; provided, however, that the City Council as a special exception, with a recommendation by the Community Development Board, may allow the establishment of off-site or remote off-street parking facilities, provided that all of the following conditions are met:
  - 1. Practical difficulties prevent the placement of the required parking spaces on the same lot as the premises they are intended to serve
  - 2. The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.
  - 3. The off-site parking spaces are located within the same zoning district classification as the premises which the parking spaces will serve, or a classification allowing business or commercial activities.
  - 4. The off-site parking spaces are not located in any residential district
  - 5. The location of the off-site parking spaces will adequately serve the use for which it is intended.
  - 6. The location of the off-site parking spaces will not create unreasonable:
    - i. Hazards to pedestrians
    - ii. Hazards to vehicular traffic.
    - iii. Traffic congestion

iv. Interference with access to other parking spaces in the vicinity

v. Detriment to any nearby use.

vi. The developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

~~(c) Maximum number of spaces for shopping center. The maximum number of parking spaces provided for a shopping center use may not exceed the minimum requirements by more than twenty-five (25) percent or thirty (30) spaces, whichever is less. [moved to Sec. 27-540 (d)(5)]~~

~~(d) Number required for uses not listed. The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the community development board. The board shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code. [moved to Sec. 27-540 (d)(4)]~~

~~(e) Computing number of employees. For purposes of computing off-street parking requirements, the number of employees shall be the largest number of employees at any given period. [moved to Sec. 27-540 (d)(3)]~~

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 49, 9-7-10)

### **Sec. 27-541. - Payment in-lieu of providing off-street parking in the Central Business District.**

In order to facilitate the improvement and redevelopment of properties in the Central Business District (CBD) in a manner that is consistent with the existing character of the neighborhood, the owner of a property may request a waiver for a portion or all of the required non-ADA off-street parking spaces through payment of a fee-in-lieu of providing required parking pursuant to section 27-540. Any required ADA spaces must still be provided on-site. Requests to use the payment-in-lieu of parking fee for alternative compliance with the off-street parking requirements shall be submitted to the community development department and may be reviewed by the Community Development Board and the Community Development Director, as applicable.

(a) **Fee calculation.** The amount of the payment to the payment-in-lieu of parking program shall be determined by the average cost to the city for the construction of a parking space in a parking structure on a program wide basis which shall be determined by the director of finance in coordination with the public services director and the community development director. The average cost shall include actual costs and fees for land acquisition, design and planning, legal, engineering, actual construction, and permit review and inspection.

(1) **New construction and substantial improvements, payment in full required.** For new construction and substantial improvements to existing construction as defined in section 27-15, the Payment-in-Lieu of Parking fee shall be satisfied by two (2) equal payments as determined by the Community Development Department fee adopted by separate City Council resolution and updated from time to time. The first payment shall be made to the Community Development Department prior to issuance of a building permit for a principal building or structure on the lot. The second payment shall be made prior to the issuance of the first certificate of occupancy. New construction and substantial improvements to existing construction shall not be qualified to participate in a payment in lieu of parking fee agreement.

(2) **Existing structures.** When expansion, alteration or rehabilitation, or change of use of an existing structure which does not meet the definition of a substantial improvement to existing construction as defined in section 27-15 results in an increased parking requirement as determined in accordance with the Code, the in-lieu fee shall be satisfied by one of the following methods:

a. Two (2) equal payments as set by the Community Development Department fee schedule as adopted from time to time by resolution (certificate of use shall be substituted for certificate of occupancy for change of building use triggering an increase in parking

requirements). Applicants who are required to contribute in lieu of one (1) parking space must pay in full prior to the issuance of a certificate of use or a certificate of occupancy (whichever comes sooner).

b. For applicants qualified to participate in an in-lieu of parking fee agreement, the amount due may be spread out into monthly payments for up to two (2) years pursuant the agreement requirements and payment plan detailed in subsections (b) and (c) below.

- (b) ***In-lieu of parking fee agreement.*** Existing structure applicants who are required to contribute in lieu of two (2) or more required parking spaces, but will not pay the entire in-lieu fee due prior to issuance of the certificate of occupancy or certificate of use, must enter into an in-lieu of parking fee agreement with the city. The executed agreement shall be recorded by the community development department prior to the issuance of the certificate of occupancy or certificate of use, as applicable. The obligations imposed by the agreement shall constitute a restrictive covenant upon a property, and shall bind successors, heirs and assigns in favor of the city. The restrictive covenant shall be released by the city only upon full payment of the in-lieu parking fees due. In-lieu of parking fee agreements shall only be made between the city and the owner(s) of the subject property.
- (c) ***Fee collection for monthly payment plan.*** The first fee payment for applicants entering into an in-lieu of parking fee agreement shall be paid to the Community Development Department prior to the issuance of a building permit for construction of a principal building or structure on the lot. If no building permit is needed, the first payment shall be due and paid to the Community Development Department at the time the certificate of use, or certificate of occupancy (if required) is issued. The remaining amounts shall be paid in no more than twenty-four (24) monthly payments due on the first day of the first month, including interest calculated in the amount of five (5) percent per annum, until the city has received payment in full of the remaining balance..
- (d) ***Administration.*** The Community Development Department shall administer the collection of in-lieu funds. The finance department shall administer the collection of monthly fees for applicants entered in an in-lieu of parking fee agreement using information provided in writing by the Community Development Department. Additional payments and procedures for late payments and failure to pay penalties shall be established within the in-lieu of parking fee agreement.
- (e) ***Deposit of payment-in-lieu program funds.*** Funds generated through the in-lieu fee program shall be deposited in the payment-in-lieu of parking fund, which may consist of one or more city accounts specifically established to provide parking and related transportation improvements within the payment-in-lieu districts and adjacent priority parking districts. The Mobility Management Director and the Community Development Board shall maintain a map which identifies priority parking districts, areas which are strategically located to provide future parking that is within walking distance of the Central Business District.
- (f) ***Use of payment-in-lieu program funds.*** The fee collected in the payment-in-lieu fund shall be used to fund the following activities which support the provision of parking structures and facilities in commercial districts and for institutional uses:
- (1) Acquire, construct, or develop off-street and on-street parking and related facilities;
  - (2) Fund the capital costs associated with new, upgraded, or expanded off-street parking areas serving land uses within the priority parking districts.
  - (3) Acquisition of land for present and future mobility improvements or interim parking uses; or
  - (4) Reimburse capital costs or advances, or related financing costs, for spaces in existing facilities or to be constructed which are designated or set aside for the program.



**Sec. 27-541. Use of tandem parking spaces.**

Tandem parking spaces may be used for single-family residences, and two-family residences.

[moved to Sec. 27-548]

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-542. - Bicycle parking requirements.**

The use of bicycles helps alleviate traffic problems such as congestion, and congestion and helps alleviate automobile parking deficiencies typically encountered by urban downtowns. A pedestrian and bike-friendly community are signs of a healthy community, and community and should be strongly encouraged.

(a) *Applicability.* Bicycle parking is required in all zoning districts except in the R-1, R-2, and R-3 districts and for all detached single-family residential developments..

(b) *Minimum required amount.* Developments shall provide either racks for five (5) percent of the number of required off-street vehicle parking spaces or two (2) bicycle parking spaces, whichever is greater. Developments within the Central Business District shall provide one (1) bicycle space per three thousand (3,000) gross square feet of building or ten (10) percent of the total required vehicle spaces. Spaces shall be a minimum of two (2) feet by six (6) feet in dimension.

In the CBD, the following bicycle parking requirements shall be met:

For retail or commercial office uses, one (1) bicycle space per three thousand (3,000) gross square feet shall be provided for bicycles or ten (10) percent of the total required automobile spaces shall be provided for bicycles.

(c) *Placement & design guidelines.* The following are guidelines concerning the design and placement of bicycle parking spaces:

(1) Racks should be located so as not to interfere with pedestrian movement and within two hundred (200) feet of the destination they serve. They should be highly visible so cyclists can spot them immediately when they arrive from the street. A visible location also discourages theft and vandalism.

(2) Adequate lighting is essential for the security of the bicycles and the users.

(3) Bicycle racks and lockers should use tamper resistant mounting hardware and must be well anchored to the ground to avoid vandalism and theft. The racks should also be designed to allow both the frame and wheels of the parked bicycle to be secured against theft.

(4) A portion of bicycle parking should be protected from the weather (some short-term bicycle parking can be unprotected since bicycle use tends to increase significantly during fair weather). The weather protected bicycle parking spaces could be implemented by using existing overhangs or covered walkways, a special covering, weatherproof outdoor bicycle lockers, or an indoor storage area.

(5) Adequate clearance is required around racks to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars. A minimum of thirty-six (36) inches of clearance between each rack and other sidewalk utilities and furniture (lamp posts, benches, trash cans, etc.), though forty-eight (48) inches of clearance is preferred. Racks should not block access to building entrances or fire hydrants.

(6) Racks should provide two points of contact with the frame and should be designed to allow each bicycle to be supported by its frame. The rack's high point should be at least 32" high.

(8) Racks should be designed to avoid damage to bicycles.

(9) Rack should be solidly constructed to resist damage by rust and corrosion. Steel and stainless steel are the most common and appropriate materials for general-use racks.

- (10) The best rack styles, which accommodate two points of contact for a range of bicycle types and sizes, are the inverted U rack (also called staple or loop rack) and the post and ring rack.
- (11) Bicycle racks should be consistent in color and design with the surroundings, so as to be cohesive with other street furniture and infrastructure elements.
- (12) Additional guidelines for the design and placement of bicycle parking can be found in the Association of Pedestrian and Bicycle Professionals (APBP) *Essentials of Bike Parking* guide.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-543. - ~~Parking requirements for handicapped persons~~ Accessible parking.**

All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act (ADA). Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955 and 316.1956, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with section 27-540, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-544. - Motorcycle parking requirements.**

- (a) A portion of the parking spaces required by section 27-540 of this Code may be designated exclusively for motorcycle parking, if the following conditions are met:
  - (1) The city manager or designee recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.
  - (2) The community development board approves the recommendation and the designated spaces are shown on the final development plan.
  - (3) The designated spaces are suitably marked and striped.
  - (4) The designated motorcycle parking spaces meet the standard minimum dimensions of four and one-quarter (4.25) feet wide and nine and one-quarter (9.25) feet long in depth
  - (5) The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met.
- (b) The approval is conditional and may later be withdrawn, and the spaces returned to car spaces, if the city manager or designee determines that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 50, 9-7-10)

**Sec. 27-545. - Deferral of parking requirements.**

- (a) To avoid requiring more parking spaces than actually needed to serve a development, the community development board community design board may defer a portion of the off-street parking spaces required by this Code, if the developer demonstrates that the number of deferred parking spaces will not be needed for the condition or conditions established.
- (b) Deferrals shall be based on a deferred parking plan, which shall:
  - (1) Include a written agreement between the developer and the city that requires the developer to convert the deferred parking spaces to conform to this Code at the developer's expense one (1)

year from the date of issuance of certificate of occupancy, if the ~~community development board~~ **community design board** determines that the additional parking spaces are needed.

- (2) Include a landscaping plan for the deferred parking area. A deferral of parking area may be offset by an increase of landscaping provided by the development on a ratio of 2:1. For example, if ten (10) parking spaces are deferred that would have corresponded with two thousand (2,000) square feet; one thousand (1,000) square feet of additional landscaping shall be provided beyond which was already required.
  - (3) Be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
  - (4) Not assign deferred spaces to areas required for landscaping buffer zones, setbacks, or other areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
- (c) The developer may at any time request that the ~~community development board~~ **community design board** approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 51, 9-7-10)

#### **~~Sec. 27-546. — Reduction for mixed or joint use of parking spaces.~~**

~~The community development board may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap, provided that:~~

- ~~(1) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.~~
- ~~(2) The developer submits a legal agreement guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.~~

[moved to Sec. 27-540]

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 52, 9-7-10)

#### **Sec. 27-547. - Spaces required for off-street loading.**

- (a) In addition to the off-street parking requirements required in this Code, off-street loading spaces shall be provided and maintained per Table 27-547-1 [located at end of article]:
  - (1) *Businesses.* Each retail store, storage, warehouse, wholesale establishment, restaurant, mortuary, laundry, dry cleaning establishment, or similar uses shall maintain the number of spaces as provided in Table 27-547-1 [located at end of article].
  - (2) *Public buildings.* Auditoriums, convention halls, exhibition halls, museums, motels, hotel or office building, sports arena, stadiums, hospitals, sanitarium, welfare institution, or similar use shall maintain the number of spaces per Table 27-547-1 [located at end of article].
  - (3) *Uses not listed.* Those uses that are listed above in subsections (1) and (2) above, shall be interpreted to include other uses that have similar impacts to the listed uses.
- (b) *Adjustments to requirements.* When the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed, the ~~community development board~~ **community design board** may require that a study be done to determine the actual number of loading spaces needed for a proposed use.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 53, 9-7-10)

**Sec. 27-548. - Parking and loading area design ~~Design standards for off-street parking and loading areas.~~**

**(a) General Design Standards.**

- (1) **Modification.** The Community design board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. Under no circumstances shall the modification create a serious hazard or inconvenience. The modification shall be based on a written statement of the public interest served by allowing the modification.
- (2) **No storage.** Parking areas shall be kept free of material storage, including portable containers, and outdoor display/sales, except on a temporary basis as part of an approved Temporary Use.
- (3) **Maintenance.** Parking areas shall be maintained to provide motor vehicle access and shall be kept free of litter, debris, and potholes.
- (4) **Identification.** Off-street parking areas with four (4) or more spaces, and off-street loading areas, shall include painted lines, wheel stops, or other methods of identifying individual parking stalls and loading areas and distinguishing such spaces from aisles and other circulation features.
- (5) **Arrangement.**
  - a. Parking stalls shall be located in areas that will not require backing into access driveways or streets, except where allowed for residences, or when no other practical alternative exists, as determined by the community design board.
  - b. Each off-street parking stall shall be directly accessible from a drive aisle or alley without crossing or entering any other required off-street parking or loading space, except as provided for tandem parking.
  - c. No parking space shall be located so as to block access by emergency vehicles
- (6) **Loading spaces.**
  - a. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet in depth, and provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress.
  - b. The length of one (1) or more of the loading spaces may be increased up to fifty-five (55) feet in depth if full length tractor-trailers must be accommodated. Developers may install

spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

- c. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space as well as accessible from the interior of the building it serves.

**(7) Alternative vehicle and mobility device parking.**

- a. *Golf cart parking.* A standard golf cart parking space shall be five (5) feet wide and 10 (ten) feet in depth.
- b. *Motorized kick scooter parking.* Motorized kick scooters must be upright while parked and may not be parked in a manner that would impose a threat to public safety or security.
  - i. Motorized kick scooters must be parked on a sidewalk or other hard surface, beside a bicycle rack, or at a city-owned location. Motorized kick scooters may only be parked on private property with the permission of the property owner.
  - ii. Motorized kick scooters may not be parked at bicycle parking
  - iii. Motorized kick scooters may not be parked in a manner that would impede vehicular access, emergency access, normal and reasonable pedestrian access on a sidewalk, or in any manner that would reduce the minimum clear width of a sidewalk to less than three feet.
  - iv. The city or may identify designated motorized kick scooter parking zones in order to guide riders to preferred parking zones and assist with the orderly parking of motorized vehicles throughout the city.
- c. *Moped and scooter parking.* mopeds and scooters shall park in designated vehicular parking spaces or motorcycle spaces (subject to the motorcycle parking requirements in section 27-544). mopeds and scooters shall not be permitted to park on the sidewalks.

**(8) Tandem parking spaces.** Tandem parking spaces may be used for single-family residences, and two-family residences. (Ord. No. 2004-10, § 1, 10-4-04)

**(9) Drainage.** All off-street parking and loading areas shall be drained so as not to cause any nuisance of adjacent property, and to prevent damage to the public right-of-way and the adjacent environment.

**(10) Lighting.** Adequate lighting shall be provided if off-street parking or loading is to be used at night. Such lighting shall be provided to ensure user safety and security. The lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property and streets. No source of illumination shall be directed into the windows of any residential building. Lighting near critical wildlife habitats, including along the beachfront, shall comply with all requirements in section 8-245.

**(11) Location.**

- a. Parking areas and drive aisles shall be located in the side or rear yard only and are not permitted in the front yard setback except for properties within the R-1, R-2, R-3, R-4, and R-5 zoning districts.
- b. Lots served by alleys shall access garages and/or off-street parking areas from the alley, and shall not have driveways in front or corner side yard areas.
- c. Front yard parking. In the residential zoning districts driveways may be used for front yard parking areas, but the width of such front yard parking areas shall be limited to the driveway width. No parking spaces, other than driveways, may be located in the front yard setback.

**(12) Pedestrian Circulation.** Parking lots with 10 spaces or greater shall be designed to separate pedestrian travel from vehicles. They shall include designated pedestrian walkways to provide

safe access to building entrances for pedestrians and discourage incursions into landscaped areas except at designated crossings.

- a. Perimeter sidewalks -- typically located on public rights-of-way -- and/or interior parking lot pedestrian corridors may be utilized to provide the required pedestrian access.
- b. Pedestrian pathways (if provided) shall be a minimum 5 feet in width.
- c. Where parking is located between a public entrance and the fronting sidewalk, a pedestrian pathway shall be provided, following the shortest practical route across the parking lot between at least 1 such entrance on each side of the building facing a public street.
- d. Pedestrian pathways shall be clearly delineated. This may be accomplished with the use of paving materials that differ from that of vehicular areas, striping or other similar methods.

**(13) Connectivity.**

- a. Wherever feasible, adjoining parking lots (except those serving residential buildings of less than 4 units) shall be interconnected, or designed to interconnect in the future.
- b. Where a parking lot connection is provided, an easement for ingress and egress to adjacent lots shall be recorded by the property owner in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- c. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the city manager or designee based on the size and accessibility of the driveway.
- d. Entrances and exits. The location and design of entrances and exits shall be in accordance with proper access management techniques. The number of curb cuts shall be the minimum required to allow free and safe use of the facility without impairing traffic flow along the street. The use of shared or common curb cuts is encouraged where practical as depicted in Figure 27-548-2. [See Figures at the end of article XIII.] Trees and appropriate landscaping may be used to define entrances and exits.

**(b) Design standards.**

**(1) Off-street parking design standards.**

<b>Table 27-548-1</b>		<b>30° / 45° / 60° / 75°</b>		<b>90°</b>	
		<b>Standard</b>	<b>Compact</b>	<b>Standard</b>	<b>Compact</b>
<b>Detail as shown in Fig. 27-548-1</b>					
<b>Parking Stall Width</b>	<b>A</b>	9'-0"	8'-0"	9'-0"	8'-0"
<b>Parking Stall Depth</b>	<b>B</b>	20'-0"	16'-0"	20'-0"	16'-0"
<b>Drive Aisle Width</b>	<b>C</b>	Min. 12'-0", Max. 14'-0"			
<b>Bumper Overhang</b>	<b>D</b>	2'-0"			
<b>Landscape Buffer (Vehicular Use Area)</b>	<b>E</b>	Min. 10'-0"			
<b>Interior Drive Setback</b>	<b>F</b>	Min. 15'-0"			
<b>Interior Drive Lane Width</b>	<b>G</b>	Min. 10'-0", Max. 14'-0"			
<b>Back-up Width</b>	<b>H</b>	N/A		7'-0"	
<b>Planter Island Width</b>	<b>I</b>	10'-0"			
<b>Maximum Consecutive Stalls</b>	<b>J</b>	5	6	10	12
<b>Planter Island Tree Spacing</b>	<b>K</b>	Min. 35' o.c., Max. 135' o.c.			

Landscape Buffer Tree Spacing	L	Avg. 25' o.c.
Planter Island Curb Radii	M	Min. R2'-0", Max. R5'-0"
Parking Stall Curb Radii	N	Min. R5'-0", Max. R8'-0"
Drive Aisle Curb Radii	O	Min. R10'-0", Max. R15'-0"

**(2) On-street parking design standards.**

Table 27-548-2		0° (Parallel)		30° / 45° / 60° / 75°		90°	
Detail as shown in Fig. 27-548-2		Standard	Compact	Standard	Compact	Standard	Compact
Parking Stall Width	A	9'-0"	N/A	9'-0"	8'-0"	9'-0"	8'-0"
Parking Stall Depth	B	22'-0"	N/A	20'-0"	16'-0"	20'-0"	16'-0"
Drive Aisle Width	C	Min. 12'-0", Max. 14'-0"					
Curbside Step-out Zone	D	2'-0"					
Landscape & Transition Zone	E	Min. 10'-0"					
Pedestrian Clear Zone	F	Min. 6'-0"					
Seating/Activity Zone	G	Min. 10'-0"					
Entry Threshold Clear Zone	H	Min. 2'-0", Max. 4'-0"					
Parking Bump-out	I						

**(3) Materials.**

- a. Surface requirements for four (4) or more commercial parking spaces. Where a use requires space for four (4) or more motor vehicles, pavement for paved off-street parking or paved off-street loading facilities shall, as a minimum requirement, consist of the minimum state department of transportation requirements, as amended. A substitute surface of an equal or greater strength may be used upon written approval of the city manager or designee. This is also intended to encourage creative combinations of pervious and impervious surface materials when designing a parking facility.
- b. Surface requirements for three (3) or less parking spaces. Where a commercial use requires space for three (3) or less motor vehicles, or any residential use, the off-street parking and loading areas shall be maintained in an even and usable condition. Pavement that minimizes impervious surface area, such as dry-laid pavers and/or gravel is encouraged. Loose surfaces, such as gravel shall be contained at all edges with curbing or other border.

**(4) Parking lot screening and landscaping.** Landscaping requirements for parking facilities shall be as required by Article IX

~~(a) Location.~~ The location of required off-street parking and loading areas shall conform to the following criteria: **[moved to Section 27-548]**

- ~~(1) All required off-street parking spaces and the use they are intended to serve shall be located on the same parcel; provided, however, that the city council, as a special exception, with a recommendation by the community development board, may allow the establishment of off-site or remote off-street parking facilities, provided that all of the following conditions are met:~~
  - ~~a. Practical difficulties prevent the placement of the required parking spaces on the same lot as the premises they are intended to serve.~~
  - ~~b. The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.~~

- c. ~~The off-site parking spaces are located within the same zoning district classification as the premises which the parking spaces will serve or a classification allowing business or commercial activities.~~
  - d. ~~The off-site parking spaces are not located in any residential district.~~
  - e. ~~The location of the off-site parking spaces will adequately serve the use for which it is intended.~~
  - f. ~~The location of the off-site parking spaces will not create unreasonable:~~
    - 1. ~~Hazards to pedestrians.~~
    - 2. ~~Hazards to vehicular traffic.~~
    - 3. ~~Traffic congestion.~~
    - 4. ~~Interference with access to other parking spaces in the vicinity.~~
    - 5. ~~Detriment to any nearby use.~~
  - g. ~~The developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve. [moved to Section 27-540]~~
- (2) ~~All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:~~
- a. ~~Resident parking: .....200 feet~~
  - b. ~~Visitor parking: .....250 feet~~
- ~~Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.~~
- (3) ~~Each off-street parking space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space, except as provided for in tandem parking. [moved to Section 27-548]~~
- (4) ~~Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space. [moved to Section 27-548]~~
- (5) ~~Each loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress. [moved to Section 27-548]~~
- (b) ~~Size. The size of required off-street parking and loading areas shall conform to the following criteria:~~
- (1) ~~Standard parking spaces shall consist of a minimum width of ten (10) feet and a length of twenty (20) feet, with wheel stops at eighteen (18) feet or with curbing at eighteen (18) feet with two-foot overhang as depicted in Figure 27-548-1. [See Figures at the end of article XIII.]~~
  - (2) ~~A standard motorcycle parking space shall be four and one-quarter (4.25) feet wide and nine and one-quarter (9.25) feet long.~~
  - (3) ~~Spaces for handicapped parking shall be the size specified in F.S. § 316.1955.~~
  - (4) ~~The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one (1) or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account. [moved to Section 27-548]~~
  - (5) ~~Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.~~



- (6) Compact car parking spaces shall be a minimum of eight (8) feet wide and sixteen (16) feet long. A maximum of twenty (20) percent of the calculated required parking spaces may be compact. If any parking spaces required are deferred, for example, the provision of compact spaces shall be prorated based on the entire parking requirement.
- (7) The community development board may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. Under no circumstance, shall the modification create a serious hazard or inconvenience. The modification shall be based on a written statement of the public interest served by allowing the modification. [moved to Section 27-548]
- (c) *Layout.* The layout of required off-street parking and loading areas shall conform to the following criteria:
- (1) Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient as shown in Figure 27-548-2. [See Figures at the end of article XIII.] [moved to Section 27-548]
  - (2) Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings within the site and any adjacent developed sites.
  - (3) Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
  - (4) Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
  - (5) Except for single-family and two-family residences, each off-street parking space shall open directly onto an aisle or driveway that is not a public street.
  - (6) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the city manager or designee based on the size and accessibility of the driveway.
  - (7) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
  - (8) Parking spaces for all uses except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
  - (9) No parking space shall be located so as to block access by emergency vehicles.
- (d) *Surface requirements for four (4) or more commercial parking spaces.* Where a use requires space for four (4) or more motor vehicles, pavement for paved off-street parking or paved off-street loading facilities shall, as a minimum requirement, consist of the minimum state department of transportation requirements, as amended. A substitute surface of an equal or greater strength may be used upon written approval of the city manager or designee, keeping in mind that the city council specifically finds that porous paving materials and unpaved parking areas should be allowed whenever possible. This is also intended to encourage creative combinations of pervious and impervious surface materials when designing a parking facility.
- (e) *Surface requirements for three (3) or less parking spaces.* Where a commercial use requires space for three (3) or less motor vehicles, or any residential use, the off-street parking and loading areas shall be maintained in an even and usable condition. Pavement that minimizes impervious surface area, such as dry-laid pavers and/or gravel is encouraged. Loose surfaces, such as gravel shall be contained at all edges with curbing or other border.

- (f) *Barriers, buffers and hedges.* Where off-street parking or loading areas for five (5) or more vehicles are located on the perimeter of a lot, barriers shall be provided to ensure that no portion of a parked vehicle shall encroach over and onto any adjacent private property in separate ownership or over and onto any public street or sidewalks; and further, barriers shall be provided so that no parked motor vehicle door, when open, can make such encroachment. The separation from walkways, sidewalks, streets or alleys may be a masonry wall, fence, curbing, bollards, landscaping or other approved protective device. Such protective device shall not impair the visibility of pedestrians or vehicles at entrances and exits.
- (g) *Identification.* Required off-street parking and loading areas shall be identified as to purpose and location when not clearly evidenced.
- (h) *Drainage.* All off-street parking and loading areas shall be drained so as not to cause any nuisance of adjacent property, and to prevent damage to the public right-of-way and the adjacent environment.
- (i) *Lighting.* Adequate lighting shall be provided if off-street parking or loading is to be used at night. Such lighting shall be provided to insure user safety and security. The lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property and streets. No source of illumination shall be directed into the windows of any residential building.
- (j) *Buffers.* Where a parking lot, or portion thereof, adjoins any residential district, a six-foot visual barrier not less than eighty-five (85) percent solid, shall be erected along the edge of the parking lot, or portion thereof. Said buffers shall be maintained in good condition, and may be a structural or vegetative buffer.
- (k) *Landscaping.* Landscaping requirements for parking facilities shall be as required by article IX.
- (l) *Entrances and exits.* The location and design of entrances and exits shall be in accordance with proper access management techniques. The number of curb cuts shall be the minimum required to allow free and safe use of the facility without impairing traffic flow along the street. The use of shared or common curb cuts is encouraged where practical as depicted in Figure 27-548-2. [See Figures at the end of article XIII.] Trees and appropriate landscaping may be used to define entrances and exits. Landscaping, curbing or other protective devices may be provided to control access and to separate pedestrian and vehicular traffic.
- (m) *Interior drive aisles and maneuverability.* The minimum width of interior driving aisles and maneuverability space within parking facilities shall be related to the angle of the parking spaces and the use of one-way or two-way traffic as follows:

Parking Angle	One-way Traffic/ Maneuverability	Two-way Traffic/ Maneuverability
0 (Parallel)	13 feet	24 feet
30	13 feet	18 feet
45	13 feet	22 feet
60	18 feet	22 feet
90	24 feet	24 feet

- (n) *Minimum throat dimension.* The minimum throat dimension of a parking lot entrance, measured from the right-of-way line to the first curb cut of the first parking aisle shall be thirty-six (36) feet as depicted in Figure 27-548-2. [See Figures at the end of article XIII.]

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-01, § 1, 3-1-10; Ord. No. 2010-14, § 54, 9-7-10)

**Sec. 27-549. – ~~Reserved~~ Design standards for bicycle parking.**

**The spaces for bicycles shall:**

- ~~(1) Be designed to allow each bicycle to be supported by its frame.~~
- ~~(2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.~~
- ~~(3) Be designed to avoid damage to the bicycles.~~
- ~~(4) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion and vandalism.~~
- ~~(5) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.~~
- ~~(6) Be located to prevent damage to bicycles by cars.~~
- ~~(7) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.~~
- ~~(8) Be located in convenient, highly visible, active, well-lighted areas.~~
- ~~(9) Be located so as not to interfere with pedestrian movements.~~
- ~~(10) Be located as near the principal entrance of the building as practicable.~~
- ~~(11) Provide safe access from the spaces to the right-of-way or bicycle lane.~~

1. (Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-550. - Special parking districts.**

The city council may designate special parking districts where parking or transit facilities may be provided by the city, thus lessening the demand for on-site parking. For development proposed in these districts, the city may allow the developer to pay a fee in lieu of providing some or all of the spaces required by this Code. The fee shall be a one-time, nonrefundable fee per parking space avoided, paid to the city prior to the issuance of a certificate of occupancy. The amount of the fee shall be determined by the city council and shall be equal to the land acquisition, construction and maintenance costs of parking spaces that are deferred by this provision. These fees shall be used by the city solely for the purchase, construction, operation and maintenance of parking or transit facilities serving the area of the development. The city council may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking or transit facilities.

(Ord. No. 2004-10, § 1, 10-4-04)

**Secs. 27-551—27-560. - Reserved.**

**Table 27-540-1. Off-Street Parking Requirements**

Type of Use or Development Activity	Required Number of Parking Spaces
Single-family residence	2
Single-family residence with accessory apartment	3
Two-family residence	2 per dwelling unit
Multifamily residence	2 per dwelling unit; plus 2 for the owner/operator and 1 per two employees
Special care facilities:	

Adult day care	2 per employee; plus adequate drop-off area
Child day care	2 per employee; plus adequate drop-off area
Nursing home	1 per 4 beds; plus 1 per employee
Adult congregate living facility:	
Hospital	1 per 2 beds of the rated bed capacity
Overnight accommodations:	
Hotel/motel	1 per rental sleeping unit; plus 1 for owner or manager; plus 1 per 2 employees on duty; plus 75 percent of spaces required for accessory uses like restaurants and meeting rooms, etc.
Bed and Breakfast	1 per guest room plus 2 for the owner/operator
Restaurant:	
Drive-in restaurant	None
Carry-out and deliver restaurant	1 per 500 sq. ft. of GFA; plus 1 per employee; plus 1 per delivery vehicle owned and maintained by the establishment
Fast-food restaurant	1 per 4 seats in public rooms; plus 1 per 2 employees
Interior service restaurant	1 per 4 seats in public rooms; plus 1 per 2 employees
Service establishments:	
Office	1 per 400 sq. ft. of GFA
Medical/dental clinic	1 per 2 employees; plus 1.5 per consultation or examining room, not to exceed 7 spaces per doctor
Veterinary clinic	1 per 2 employees; plus 1.5 per consultation or examining room, not to exceed 7 spaces per veterinary doctor
Funeral establishment	1 per 2 seats in chapel
Day Spa	1 per 300 sq. ft. of GFA
Wholesale sales	1 per 1,500 sq. ft.; GFA plus as required for office
Retail sales	1 per 300 sq. ft. GFA; plus 1 per 1,000 sq. ft. of lot or ground area outside buildings used for any type of sales or display
Shopping center	1 per 300 sq. ft. GFA
Bus or other transportation terminal	1 per 500 sq. ft. of GFA plus 1 per 2 employees
Storage and parking:	
Parking lot	None
Moving and storage facility	1 per employee
Emergency services:	
Fire station	1 per 2 employees
Police station	1 per 2 employees
Ambulance service	1 per 2 employees
Educational:	

Elementary and junior high schools	2 per classroom, office room and kitchen
Senior high school	5 per classroom, office room, and kitchen
Trade, business or vocational school	1 per 300 sq. ft. of GFA
Colleges, universities and community colleges	1 per 300 sq. ft. of GFA
Dance, art, dramatic and music studios	1 per 300 sq. ft. of GFA
Gymnastics studio	1 per 500 sq. ft. of GFA
Cultural, religious, philanthropic, social, and fraternal uses:	
Worship facilities	1 per 3 seats of the total seating capacity, where 1 seat is equivalent to 24 lineal feet of benches or other similar seating arrangement
Social, fraternal clubs and lodges, and union halls	1 per 4 seats, or 1 per 200 sq. ft. GFA, whichever is greater
Libraries, art galleries, and museums	1 per 600 sq. ft. of GFA
Community center	1 per 250 sq. ft. of GFA or 1 per 3 seats, whichever is greater
Recreation, amusement and entertainment:	
Public parks/recreation area	To be determined by <del>community development board</del> <b>community design board</b>
Bowling alley	2 per alley
Skating rink	1 per 100 sq. ft. of GFA
Billiard and pool hall	2 per 3 tables
Miniature golf	3 per hole; plus any other uses on the premises
Arcade	1 per 200 sq. ft. of GFA
Indoor athletic and exercise facility	1 per 150 sq. ft. of GFA. Swimming pool area shall be counted as floor area
Tennis, handball or racquetball facility	2 per court
Theater	10 for first 100 seats plus 1 space for each additional 5 seats
Night club	1 per 4 seats in public rooms plus 1 per 2 employees
Private club	1 per 4 seats, or 1 per 200 sq. ft. of GFA, whichever is greater
Bar/tavern	1 per 4 seats in public rooms plus 1 per 2 employees
Utilities	None required

(Ord. No. 2010-10, § 3, 7-12-10; Ord. No. 2010-14, § 54, 9-7-10)

**Table 27-547-1  
Off Street Loading Spaces**

Floor Area	Spaces
5,000—24,999 square feet	1
25,000—59,999 square feet	2
60,000—119,999 square feet	3
120,000—199,999 square feet	4
200,000—289,999 square feet	5

\*1 additional space for each additional ninety thousand (90,000) square feet or fraction thereof above two hundred ninety thousand (290,000) square feet.

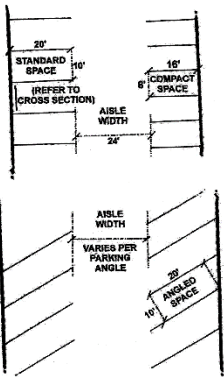
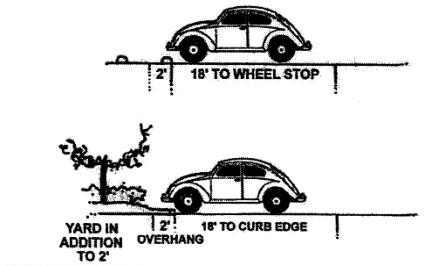


Figure 27-548-1



Cross Section of a Standard Parking Space

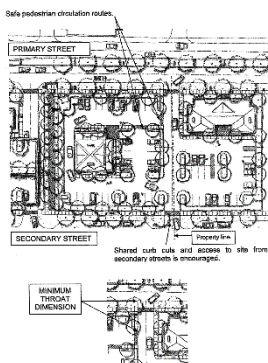


Figure 27-548-2

## ARTICLE XV. - ADVERTISING<sup>[18]</sup>

[no changes to Sec. 27-527 – Sec. 27-595 of this article]

### Sec. 27-596. - Art project.

- (a) Proposed art projects must apply for a Public Art Permit with the building department on the forms provided by the city and pay any associated permit fees before being placed on the community development agenda. Any proposed art project in the commercial districts that in the opinion of a majority of the community development board is found to be public art that enhances the commercial district may be recommended to the city council for its approval. If approved by the city council, such an art project will be permitted as long as it is maintained in good condition. The city council may place conditions for approval on the proposed project. Any such art project which deteriorates over time shall be removed by the applicant at the sole discretion of the city council. ~~Proposed art projects must make application with the building department on the forms provided by the city before being placed on the community development agenda.~~ The city manager or designee will determine if the application is complete before setting a date for the community development board to consider the application.
- (b) In making their decisions, both the community development board and city council shall determine:
- (1) That the proposed art project will enhance the aesthetic beauty of the area of its proposed location;
  - (2) That the artist is capable of completing the work in accordance with the plan submitted as part of the application;
  - (3) That the information in the application regarding the durability and expected maintenance of the proposed art project is correct; and
  - (4) That the materials to be used and the manner of application will not require excessive maintenance by its owner.
- (c) In making their determinations, the community development board and city council may consider evidence of property values, the opinions of the owners and occupants of surrounding properties and the public.
- (d) If final approval is given for the project by the city council, the city manager or designee will issue a permit. The project will be inspected by the city manager or designee to ensure that the project is being completed as approved by the council.
- (e) The City shall maintain the right to remove any artwork and revoke any Public Art Permit should the project fall into disrepair or should the project fail to be installed within twelve (12) months of the issuance of the permit.

*(Ord. No. 2007-16, § 2, 11-5-07; Ord. No. 2010-14, § 55, 9-7-10)*

**Secs. 27-597—27-600. - Reserved.**

## ARTICLE XVI. - RESERVED<sup>[19]</sup>

**Secs. 27-601—27-620. - Reserved.**

## ARTICLE XVII. - RESERVED<sup>[20]</sup>

**Secs. 27-621—27-700. - Reserved.**

## ARTICLE XVIII. - NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS<sup>[21]</sup>

### Sec. 27-701. - Reserved. Intent.

It is the intent of this article to permit nonconformities to continue until they are removed or otherwise discontinued. Existing nonconformities shall not be enlarged upon, expanded, intensified, nor be used as grounds for adding other structures (except replacement of existing nonconforming decks and/or balconies, provided such structures do not encroach on any city right-of-way, or development meeting requirements set forth in section 27-229-1 and subsection 27-705(a)(1)) or uses prohibited elsewhere in the same district.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. [2017-24](#), § 1, 11-6-17)

### Sec. 27-702. - Generally.

Within the districts established by this Code, there exist lots, structures, and uses, and signs which existed were lawful before the adoption of this Code or previous amendments, but which would be prohibited, regulated or restricted under the provisions of this Code or future amendments. This article prescribes how these nonconformities may be continued, terminated, or made to comply with this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

### Sec. 27-703. - Purpose and intent.

(a) The provisions of this article have been written shall be implemented to achieve the following purposes and intentions of the city council:

- (1) An existing lot that qualifies as a nonconforming lot of record may be used for the purposes allowed in its zoning district (see section 27-705. To permit nonconformities until such time as they are removed, discontinued or enlarged (except replacement of nonconforming existing decks and/or balconies, provided such structures do not encroach on any city right-of-way, or development meeting requirements set forth in section 27-229-1 and subsection 27-705(a)(1));
- (2) An existing structure that is nonconforming due to the size of the structure or its placement on the lot, or due to noncompliance with other regulations in this chapter such as lot coverage or allowable signage, may be expanded only in compliance with this code (see section 27-706).
- (2) Nonconforming uses are declared by this chapter to be inherently incompatible with permitted uses in the districts involved.
- (3) An existing use that is not permitted in its zoning district may not be expanded (see section 27-708).
- (4) Abandoned signs must be removed (see section 27-709).

(b) Notwithstanding the provisions of subsection (a) above, it is intended that the enforcement of this section shall not unduly restrict the right to reconstruct substantially damaged or destroyed residential structures, in residential districts, where nonconformities exist only in regard to densities, yards, and lot areas.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. [2017-24](#), § 1, 11-6-17)

### Sec. 27-704. - Definitions.

Refer to article I for definitions.

(Ord. No. 2004-10, § 1, 10-4-04)



## Sec. 27-705. - Nonconforming lots of record.

- (a) Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- (b) Nonconforming lot of record means any lot of record recorded prior to January 1, 1991 that does not conform to the lot area or width requirements established for the zoning district in which said lot is located. A lot of record recorded after January 1, 1991, will also be a nonconforming lot of record if the lot area or width requirements are later increased such that the lot no longer complies with the zoning district in which said lot is located.
- (c) Special requirements for lots in the R-3 zoning district are provided in section 27-242.
- (d) Special requirements for lots in the R-4 zoning district are provided in section 27-243.
- (e) Except in the R-3 and R-4 zoning districts, notwithstanding limitations imposed by the provisions of this chapter, nonconforming lots of record may be developed and used for any use permitted in the district, provided:
- (1) That residential uses must comply with density restrictions imposed by the adopted future land use map (see section 27-242). That all other density control requirements are met; and are nonconforming solely due to requirements set forth in subsection 27-226(f)(2)b; and
  - (2) That such lots shall have a minimum width throughout their length of at least forty (40) feet; and
  - (3) That any new development shall conform to the required setbacks, lot coverage limitations, and building height limitations and off-street parking requirements for the district in which it is located.
- (f)(b) Wherever there exists a structure which by itself or with accessory structures exists on a parcel containing more than one (1) nonconforming lot of record, said building site shall not henceforth be reduced or diminished in dimension or area below the minimum requirements set forth in this chapter for the district in which it is located (regardless of whether the structure or accessory structures have been demolished, destroyed or removed therefrom, in whole or in part).
- (c) If two (2) or more lots or combinations of lots and portion of lots with continuous frontage are under single ownership at any time after August 1, 1994, and if all or part of the individual lots do not meet the requirements for minimum lot width or area imposed by any provision of this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no division of said parcel shall be made thereafter which leaves remaining any lot or parcel with width or area below the minimum requirements stated in this chapter.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. [2017-24](#), § 1, 11-6-17)

## Sec. 27-706. - Nonconforming structures. development.

- (a) Nonconforming structure means any structure that does not conform with the provisions of the zoning district where the structure is located due to noncompliance with the dimensional standards in chapters 27 or 30.
- (b) A nonconforming structure may remain indefinitely, subject to the following limitations:
- (a) *Continuance of nonconforming development.* Subject to the provisions below for terminating nonconforming development, nonconforming development may remain in its nonconforming state, in accordance with the following:
- (1) The nonconformity was otherwise lawful and in existence on the effective date of this Code, although such use does not now conform to the provisions hereof.
  - (1) The nonconforming structure may not be physically expanded in any manner that would increase the nonconformity.

- (2) The nonconforming structure may not be physically expanded in any manner that would violate any additional physical standards in this code.
- (3) (2) —To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building, if a building permit was issued prior to the adoption or amendment of this Code causing the nonconformity; provided, that construction commences within six (6) months of issuance and continues in good faith, as per section 27-701. Otherwise, the issued building permit shall become invalid and shall not be renewed except in conformity with all provisions of this Code.
- (3) —Where open land, i.e., improved or unimproved vacant land, is being used for nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.  
*[moved to section 27-708]*
- (4) On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, including but not limited to, replacement of existing nonconforming decks and balconies, provided such structures do not encroach on any city right-of-way and provided, that the cubic content of the structure existing after the date it became nonconforming shall not be increased.
- (4) (5) —If characteristics of use, including off-street parking and loading or other matters pertaining to the use of land, structure or premises are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this chapter; however, changes may be made that do not increase or that decrease such nonconformities.
- (6) —Additions may be made to a nonconforming structure provided all additions shall conform to chapter 27 in the Code of Ordinances.
- (c) A nonconforming structure will have its nonconforming status terminated, and shall not thereafter be used, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, under the following conditions:
- (b) *Terminating nonconforming development.* Except as otherwise provided herein, nonconforming development shall be brought into full compliance with all provisions of this Code, in conjunction with the following activities:
- (1) —The gross floor area of the development is expanded, except for development meeting requirements set forth in section 27-229-1 and subsection 27-705(a)(1).
- (1) (2) —Reconstruction of If the principal structure after the structure has been destroyed or is substantially damaged, as that term is defined in section 27-15. destroyed. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure before the damage. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures. If a structure is damaged but not substantially destroyed, and is not substantially repaired or reconstructed, or used as before the time of damage within twenty-four (24) months of the date of such damage, such building shall thereafter comply with all provisions of this Code.
- (2) (3) —Whenever the use of a nonconforming structure use, building or portion thereof has been discontinued, as evidenced by the lack of use or a vacancy for a period of at least twelve (12) twenty-four (24) months, or whenever if a conforming use is substituted, such nonconforming use shall not thereafter be re-established; and the future use shall be in conformity with the provisions of the district in which it is located.
- (3) (4) —If a nonconforming structure or portion thereof of any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the city to be an unsafe building,

it shall not thereafter be repaired or rebuilt except in conformity with the regulations of the district in which it is located.

(4) All repairs and rebuilding must also comply with:

- a. the Florida Building Code (see chapter 8, article II); and
- b. the International Property Maintenance Code (see chapter 8, article III), which includes provisions for unsafe conditions and unsafe structures.

### **Sec. 27-707. - Reconstruction of residential buildings when destroyed or substantially damaged.**

- (a) ~~(c) Reconstruction of substantially damaged or destroyed nonconforming structures.~~ Notwithstanding any the other provisions of this code section, a nonconforming structure ~~a residential building that is nonconforming as to its structure or use which was lawfully erected on a lot of record~~ may be reconstructed if it is destroyed or substantially damaged, as defined in section 27-15, or destroyed, provided that:
- (1) The reconstruction does not result in an increase in nonconformity of a lot area, yards, or setbacks;
  - (2) The number of dwelling units in such reconstructed structure does not exceed the number of units in existence prior to the destruction or substantial damage; on the effective date of the ordinance from which this section derives; and
  - (3) The repair or reconstruction is substantially completed within twenty-four (24) months of the date of such destruction or substantial damage. A twelve (12) month extension may be granted by the city manager or designee due to extenuating circumstances.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2009-04, § 1, 6-1-09; Ord. No. [2017-24](#), § 1, 11-6-17)

### **Sec. 27-708. - Nonconforming uses.**

- (a) Nonconforming use means any use of a structure, or use outside a structure, that does not conform with the uses allowed for the parcel's zoning district or with density restrictions imposed by the adopted future land use map.
- (b) A nonconforming use may not be extended or enlarged:
- (1) By having any buildings or structures replaced or expanded in physical size; or
  - (2) By having an additional structure erected for the nonconforming use; or
  - (3) By increasing the residential density; or
  - (4) By increasing the land or water area for the nonconforming use.
- (c) Where open land, i.e., improved or unimproved vacant land, is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

*[moved from section 27-706]*

### **Sec. 27-709. ~~707.~~ - Abandoned signs and removal.**

- (a) Abandoned signs shall be removed by the owner or property lessee within thirty (30) days of the cessation of business or activity conducted on the property where the sign is located.
- (b) A business shall be considered to have ceased or be inactive where the property: (1) is vacated; (2) no longer has a valid certificate of occupation or business tax receipt; (3) no longer provides the service or product advertised on the sign; (4) has no active utility service account(s); or (5) displays a blank sign.

- (c) Any sign which pertains to a business or occupation which is no longer using the property on which the sign is situated, or which relates to a time or event that no longer applies, constitutes abandonment, as well as false advertising or false identification.
- (d) A sign or sign structure shall also be considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer after receipt of notice from the city manager or designee of apparent abandoned status.
- (e) Failure to remove an abandoned sign shall result in a civil fine of one hundred (\$100.00) dollars per day of non-removal after notice from the city manager or designee, and shall constitute a lien upon the property upon which the sign is affixed, subject to enforcement and collection, as provided in this Code and the Florida Statutes.

*(Ord. No. 2007-15, § 1, 10-1-07; Ord. No. [2015-02](#), § 2, 3-2-15)*

**Secs. 27-710. 708—27-710. - Reserved.**