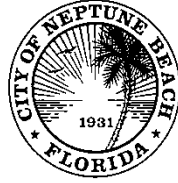


AGENDA
Regular City Council Meeting
Monday, December 7, 2020, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. Presentation Honoring Councilor Scott Wiley
 - B. Election of Vice-Mayor
3. APPROVAL OF MINUTES
 - A. **November 2, 2020, Regular City Council Meeting**
November 6, 2020, City Council Roundtable p. 3
November 16, 2020, Special City Council Meeting
November 16, 2020, Workshop City Council Meeting
December 1, 2020, Special City Council Meeting
4. COMMUNICATION / CORRESPONDENCE / REPORTS

• Mayor	• City Attorney
• City Council	• City Clerk
• City Manager	• Departmental Reports
5. COMMENTS FROM THE PUBLIC
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS
 - A. CDB20-06, Application for Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach. The property is currently known as for 1004 and 1006-1008 First Street, (RE# 172840-0000 & 172842-0000). The subject property is located on the west side of First Street between Bay and Magnolia in the R-4 zoning district. The applicants are requesting to demolish the existing buildings and replat the properties into two conforming lots. The request is to remove 19 feet from the parcel known as 1006 First (RE#172842-00) and added it to the parcel 1004 First (RE#172840-0000). The granting of the replat would not create any additional lots. p. 20
8. ORDINANCES
 - A. ORDINANCE NO. 2020-11, SECOND READ AND PUBLIC HEARING, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 27, Unified Land Development Code; Article IV, Land Use; Amending Section 27-226, Allowable Uses Within Zoning Districts; and Providing an Effective Date (Allows a Specific Form of Tattoo Artistry that only Includes Microblading and Permanent Cosmetic Artistry within the C-2 and C-3 Zoning Districts) p. 34

- B. ORDINANCE NO. 2020-14, FIRST READ AND PUBLIC HEARING, An Ordinance Amending and Restating Chapter 10 (Fire Prevention and Protection); Amending Section 10-1 and Creating New Sections 10-2 through 10-38; Providing for Severability; Providing an Effective Date. **p. 49**
 - C. ORDINANCE NO. 2020-15, FIRST READ AND PUBLIC HEARING, An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date. **p. 74**
 - D. ORDINANCE NO. 2020-16, FIRST READ AND PUBLIC HEARING, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. **p. 78**
 - E. ORDINANCE NO. 2020-17, FIRST READ AND PUBLIC HEARING, An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date. **p. 82**
 - F. ORDINANCE NO. 2020-18, FIRST READ AND PUBLIC HEARING, An Ordinance by the City Council of the City of Neptune Beach, Creating a Section 22-7, Article I, In General, Chapter 22, Traffic and Motor Vehicles; Instituting a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters; Providing for Legislative Findings, Designation of the Temporary Moratorium, Conflicting Ordinances, Severability, Enforcement, and an Effective Date. **p. 97**
- 9. OLD BUSINESS / NONE
 - 10. NEW BUSINESS
 - A. Resolution No. 2020-09, A Resolution Appointing Member to the Community Development Board **p. 104**
 - B. Approval of Banking Services RFP Selection **p. 106**
 - 11. COUNCIL COMMENTS
 - 12. ADJOURN



**MINUTES
REGULAR CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, NOVEMBER 2, 2020, 6:00 P.M.**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 2, 2020, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

Attendance:	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Scott Wiley Councilor Josh Messinger Councilor-Elect Lauren McPhaul	STAFF: City Manager Stefen Wynn City Attorney Zachary Roth Police Chief Richard Pike Deputy Public Works Director Megan George Mobility Management Director Megan Steward Senior Center Director Leslie Lyne Community Development Director Kristina Wright City Clerk Catherine Ponson
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Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m. and Councilor Wiley led the Pledge of Allegiance.

Proclamation Mayor Brown presented a proclamation declaring November as Complex Regional Pain Syndrome Awareness Month. Anita Davis, founder of the local support group, and Charles and Rebecca Miller were present to receive the proclamation.

APPROVAL OF MINUTES

Minutes Made by Wiley, seconded by Jones.

MOTION: TO APPROVE THE FOLLOWING MINUTES:

October 5, 2020, Regular City Council Meeting
October 19, 2020, Workshop City Council Meeting

Roll Call Vote:
 Ayes: 5- Chin, Messinger, Wiley, Jones, and Brown.
 Noes: 0

MOTION CARRIED

COMMUNICATIONS / CORRESPONDENCE / REPORTS

- Police Chief Report Police Chief Richard Pike reminded everyone that the Farm Share Food Drive would be held on Saturday, November 14, 2020, beginning at 9:00 a.m. The City has partnered with Beaches Chapel, Community First, and Farm Share Foods to help families in need. He also presented the monthly crime and statistics for the month of October.
- City Manager Report City Manager Stefen Wynn reported the following:
- Public Works Director Leon Smith retired as of October 30, 2020, after 44 years of service to Neptune Beach. He was honored with a drive-by retirement party on Thursday, October 29, 2020.
 - Final details for Jarboe Park are scheduled for discussion at the Land Use and Parks Committee on November 12, 2020, at 8:30 a.m. The groundbreaking ceremony was held earlier today. He also presented a revised timeline.
 - He has signed a Memorandum of Agreement with the North Florida Utilities Group. This is a regional coordinating group to protect and evaluate groundwater resources.
 - There are two roundtables scheduled for the Vision Plan. The Community Development Board will hold one on Wednesday, November 4, 2020, at 6:00 p.m., following their regular meeting. City Council will hold one on Friday, November 6, 2020, at 11:00 a.m. These are important as this provides an opportunity for residents to provide input.
 - The City will be offering a “Trident” Award to honor residents that have contributed to improving the quality of life for its residents. Citizens can be nominated through an application process.

All monthly City Manager reports can be found, in their entirety, at : <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>

PUBLIC COMMENTS

- Public Comment Nicole de Venoge, 617 Oak Street, Neptune Beach, stated she is a longtime resident and a concerned citizen. She currently serves on the Executive Committee of the First Coast Surfrider Foundation. She is responsible, with a team of grassroots volunteers, to push the campaign for rise above plastics and reduce single-use plastics. She is concerned with the amount of debris, including latex balloons and nylon string. She suggested city-wide measures to reduce the amount of overall waste.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

- CDB20-03SE, 628 Atlantic Blvd., Suite #1 CDB20-03SE, Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for the property owner Neptune Square LV, LLC Et AL/Seminole Shoppes LLC. The request is to add a covered outdoor seating/dining area on private property in front of the property known as for 628 Atlantic Blvd. Suite #1 (RE# 172394-1700) per Section 27-226(j)(3)b-Allowable uses within zoning districts.

Community Development Director Kristina Wright confirmed Councilor Wiley’s inquiry that there is more than enough parking and it is part of the shopping center

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE CDB20-03SE FOR A SPECIAL EXCEPTION FOR OUTDOOR SEATING AND DINING AT 628 ATLANTIC BOULEVARD, SUITE #1**

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

V20-09, 241
Atlantic Blvd,
Suite 102, Jax
Surf and Paddle

V20-09, Application for variance as outlined in Chapter 27, Article 3 Division 8 of the Unified Land Development Code of Neptune Beach for the property owner Southcoast Beaches, II, LLC and tenants Jax Surf and Paddle, LLC. Variance request to Special restrictions and conditions on allowable uses within zoning districts Sections 27-227(6)(1), 27-227(6)(2) & 27-227(6)(3). The request is to enclose a space of the City's right-of-way adjacent to 241 Atlantic Blvd Suite 102 (RE#172787-0020) in order to extend their retail offerings.

Councilor Wiley stated there was discussion at the CDB meeting regarding the word "temporary." He questioned how it applies to this application.

Ms. Wright explained that this would require a lease agreement. The nature of the temporary was the barrier around the outdoor area. The applicant stated that they would be willing to remove something that would be maybe more of a higher aesthetic. It would be considered temporary even though it has more of a permanent nature. At the close of business each day, the merchandise has to go back in.

Mr. Wynn stated that what the CDB has recommended is strictly allowing for retail space only. The temporary would be decided with the lease agreement.

Councilor Messinger commented that it was his understanding that the motive behind point #2 of the staff recommendations is that the retail items would go back in at night. There are no tables or alcohol outside.

Mr. Wynn expressed that the lease agreement would be up for annual renewal which would allow for any changes to be made.

City Attorney Zachary Roth clarified that the provision of the Code already provides that outdoor retail sales have to be taken back each day. The variance is essentially to allow it in the public right-of-way because currently that provisions state you cannot have retail sales in the public right-of-way.

Councilor Chin stated that in looking over the diagrams, he can understand the reasoning for where they are positioning the enclosed area. He was wondering if that comes too close to the corner and if it would impede some pedestrian access. He asked if there was any discussion of having it in the other doorway.

Ms. Wright explained that one of the conditions of approval was to reduce the size to 150 feet, which is the Code requirement. The diagram is actually much larger than allowed.

Made by Messinger, seconded by Chin.

MOTION:**TO APPROVE V20-09, FOR 241 ATLANTIC BLVD. SUITE 102 WITH THE FOLLOWING CONDITIONS:**

1. **CITY MANAGER MUST APPROVE ANNUAL PERMIT PRIOR TO INSTALLATION.**
2. **INSTALLATION SHALL BE OF A TEMPORARY NATURE AND MUST BE REMOVED BEFORE THE CLOSE OF BUSINESS EACH DAY. TO BE NEGOTIATED BY THE CITY MANAGER IN THE TERMS OF THE LEASE.**

3. **THE OUTDOOR AREA MUST BE REDUCED IN SIZE TO A MAXIMUM OF 150 SQUARE FEET TO ADHERE TO THE LDC.**
4. **THE OUTDOOR AREA IS RESTRICTED TO RETAIL SALES ONLY.**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

CDB20-05,
Seahorse Inn

DB20-05, Application for Art Project as outlined in Chapter 27 Section 27-596 for the property owned by Seahorse NB, LLC located at 120 Atlantic Blvd. The request is to paint a mural on the south wall facing Lemon Street of the Seahorse Oceanfront Inn.

Councilor Chin stated that the area in question is, right now, not too aesthetically pleasing. This would be an improvement to the area and would be a fun addition to the Beaches Town Center where people can take pictures and have a personalized postcard.

Councilor Messinger commented he had received a number of phone calls regarding potential artists looking to sell advertisers based on it. So you could put money down and have your business name as a hashtag on it. He wants to clarify that if someone is selling advertising space, that it would be a violation of our Code

Made by Jones, seconded by Wiley.

MOTION:

TO APPROVE CDB20-05, ART PROJECT AT 120 ATLANTIC BOULEVARD WITH THE CONDITION THAT IT SHALL CONTAIN NO ADVERTISING THAT WOULD OTHERWISE BE COVERED BY THE CODE

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

CDB 20-05SE,
2004 Forest Ave.,
Senior Center

CDB20-05SE, Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 Section 27-226(c)(3)a of the Unified Land Development Code of Neptune Beach for the property formerly known as 2004 Forest Avenue (Re#177490-0000). This property is owned by the City of Neptune Beach. The request is to construct a new Senior Center in the R-1 zoning district.

Made by Messinger, seconded by Wiley.

MOTION:

TO APPROVE CDB20-05SE, APPLICATION FOR SPECIAL EXCEPTION AT 2004 FOREST AVENUE

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-11, Ordinance No. 2020-11, First Read And Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 27, Unified Land Development Code; Article IV, Land Use; Amending Section 27-226, Allowable Uses Within Zoning Districts; and Providing an Effective Date (Allows a Specific Form of Tattoo Artistry that only Includes Microblading and Permanent Cosmetic Artistry within the C-2 and C-3 Zoning Districts)

Public Hearing Mayor Brown opened the public hearing.

Elizabeth Smith, 1225 Atlantic Boulevard, Neptune Beach, stated as an owner/franchise partner, she supports this ordinance. It helps cancer survivors regain their confidence as they lose their hair during treatment.

There being no further comments from the public, the public hearing was closed.

Made by Messinger, seconded by Wiley.

MOTION: **TO APPROVE ORDINANCE NO. 2020-11 ON FIRST READ**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-09, Ordinance No. 2020-09, Second Read and Public Hearing. An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Councilor Wiley stated that this ordinance has been discussed and he asked for Council support. It is another step for the homeowners. It allows for changes in case of emergencies.

Vice-Mayor Jones commented it would be good to have language about what would constitute an emergency.

Councilor Wiley stated that the emergency would be more in the area if there was a storm or if there wasn't enough in the reserves or if there was a major project. It would be something that is not in our normal scope of doing business.

Mr. Roth stated that the emergency language does not come from this ordinance. It comes from Chapter 2 of the Code in terms of waiving the requirement to go to two reads in the event of an emergency. The Council passed an ordinance this past summer to help with utility bills. It is intentionally vague to allow flexibility for the decision of the Council.

Made by Wiley, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2020-09 ON SECOND READ**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-12, Ordinance No. 2020-12, Second Read and Public Hearing, An Ordinance of the City Of Neptune Beach, Florida, Extending A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Jones, seconded by Messinger.

MOTION: TO ADOPT ORDINANCE NO. 2020-12 ON SECOND READ

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-13, Ordinance No. 2020-13, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, To Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-244.1, Temporary Moratorium; and Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT ORDINANCE NO. 2020-13 ON SECOND READ

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Christmas Light Funding Request Christmas Light Funding Request from Beaches Town Center. Mr. Wynn explained that due to the shortfall in fundraising from Beaches Town Center. They were unable to have all of their fundraisers. They are requesting assistance from all of the Beaches communities to be split three ways. The request is actually \$10,666, so we are rounding it to \$11,000.

Councilor Messinger asked what fund this would be paid from. Mr. Wynn stated that it would come from the discretionary fund and the parking program.

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE THE BEACHES TOWN CENTER REQUEST FOR CHRISTMAS LIGHTING IN THE AMOUNT OF \$11,000 FOR 2020**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

Surplus Property Surplus Property -2002 John Deere Backhoe-Model 710SG.

Made by Jones, seconded by Wiley.

MOTION: **TO DECLARE THE 2002 JOHN DEERE BACKHOE, MODEL 710SG AS SURPLUS**

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Northeast Florida Public Employees' Local 630 Union Contract
Northeast Florida Public Employees' Local 630 Union Contract

Made by Wiley, seconded by Chin.

MOTION: **TO APPROVE THE NORTHEAST FLORIDA PUBLIC EMPLOYEES' LOCAL 630 UNION CONTRACT**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Brown announced that for the first time in 35 years, the Pete's Bar Thanksgiving Event would not be held.

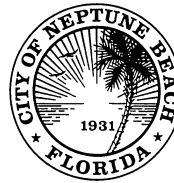
Adjournment There being no further business, the meeting adjourned at 7:07 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
ROUNDTABLE CITY COUNCIL MEETING
FRIDAY, NOVEMBER 6, 2020, AT 11:00 A.M.
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Roundtable City Council Meeting of the City Council of the City of Neptune Beach was held on Friday, November 6, 2020, at 11:00 a.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266.

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Community Development Director Kristina Wright
City Clerk Catherine Ponson

Councilor-Elect Lauren McPhaul

Also present were Victor Dover and Luiza Leite with Dover, Kohl and Partner and Rick Hall, with Hall Planning and Engineering.

Order
Call/Pledge of
Allegiance

Mayor Brown called the roundtable meeting to order at 11:00 a.m. and led the Pledge of Allegiance.

Mayor Brown explained the objectives of this meeting are to get feedback from the participants in the Community Vision Plan to ensure that they are heard. This is the vision for the future of Neptune Beach. She introduced the facilitator, Jana Ertrachter, who explained the ground rules for the meeting.

Ms. Ertrachter asked everyone what made them most excited about the plan. She asked what were the citizens favorite part of the plan and what would they change. Most of the concerns have been centered around the parking recommendations in the Final Draft of the Vision Plan.

Speakers

Shellie Thole, 217 Oleander Street
Allison Ronzon, 221 South Street
Larry Mays, 1702 Lighty Lane
Alana Merry, 616 2nd Street
Michelle Baur, 920 1st Street
Joe Peacock, 211 Cherry Street
Niles Majure, 1718 Lighty Lane
Heath Weldon, 628 Midway Street
Pat Hazouri, 207 Florida Boulevard

DKP

Luiza Leite, DKP, explained that there was draft presented back in June 2020. There was a long public comment period and they received several hundred comments back. They created a summary of comments memo and shared that with staff and leadership. There

were a lot of concerns about parking. There are a lot of people going to the beach and parking on the small side roads. They wanted to address that. There were also comments about improving beach access points.

Their recommendation was a residential parking program for the side streets east of Third Street. Any public space on the streets where there is currently parking would only be for residents.

First Street is an opportunity to provide public parking and then the other place to provide public parking for people trying to go to the beach would be the access points. This is just an idea. We're going to eliminate parking for those on the side streets, so we have to provide an alternative. These are ideas of how you could incorporate not only parking for cars, but for golf carts and bicycles at the beach access points.

Victor Dover, DKP, explained that the purpose of the Vision Plan is to get what you want in your community down on paper so you can go pursue it. They are not selling, defending, or pushing any idea. The important thing after this roundtable is complete, the Council will go back to the draft and remove anything they don't want to include, including this idea.

Break The roundtable was adjourned for a short break at 11:57 p.m.

Roundtable Resumes The roundtable resumed at 12:10 p.m.

Speakers David Blaise, 800 First Street
Rudolf Lowy-Ball, 133 Lora Street
Frank Wilson, 220 Myrtle Street
Taylor Anderson, 220 Oak Street
Debbie Lupole, 116 Pine Street
Phil Dostalík, 117 Florida Boulevard
Bob Harding, 4th Street

Removal of Parking Mayor Brown suggested removing parking from the Vision Plan as that is what is of most concern to the residents. She added that there is so much more in the Vision Plan that we need to focus on. This is the people's vision and for future generations. She would like to move towards concentrating on items that are agreed upon. She asked for consensus to remove parking from consideration.

Councilor Chin agreed and stated that is the vision of the residents. If the majority of the voices being heard are against expansion of the parking, then it is a good idea to remove it from consideration.

Vice-Mayor Jones commented that this a great, valuable exercise. The discussion about input has been positive. He added that this is a road map giving a conceptual direction what are the things people want to see in their community.

Councilor Messinger appreciate what DKP presented. However, the parking suggestions just aren't appropriate for what we are trying to achieve. He agreed that parking does need to be looked at east of Third Street. He does not want to take people's yards or pave over the beautiful beach accesses.

Councilor Wiley stated he has no problem removing the parking recommendations. He is concerned with parking all the way down First Street. He stated there are other areas that should be removed.

CONSENSUS: REMOVE ALL PARKING CHANGES FROM CONSIDERATION

Speakers

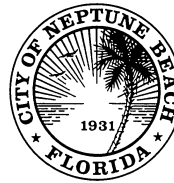
Diana Kelly, 207 Walnut Street
Shellie Thole, 217 Oleander Street
Gregory Scott, 630 Ocean Front
Ginny Thurson, 1200 7th Street
Rene Angers, 219 Cherry Street
Bob Harding, 839 4th Street
Michael Levine, 525 Birch Street

The roundtable meeting adjourned at 2:11 p.m.

Elaine Brown, Mayor

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
MONDAY, NOVEMBER 16, 2020, AT 5:00 P.M.
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 16, 2020, at 5:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266.

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones(*absent*)
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley
Councilor-Elect Lauren McPhaul

STAFF:

City Manager Stefen Wynn
Community Development Director Kristina Wright
Grant and Resiliency Coordinator
City Clerk Catherine Ponson

Order
Call/Pledge of
Allegiance

Mayor Brown called the Special Meeting to order at 5:00 p.m. and Councilor Chin led the Pledge of Allegiance.

Presentation by
UF

Grant and Resiliency Coordinator Colin Moore introduced Jerry Murphy, Faculty Consultant, Program for Resource Efficient Communities, with the University of Florida. Mr. Moore explained that this is part of the first task of our resiliency planning grant through the Department of Environmental Protection. The City was successful in the grant application and we have partnered with UF in coordinating a timeline.

Mr. Murphy presented an overview of vulnerability assessment. The goal is to identify and delineate areas and populations vulnerable to flood hazards within the City. The project would consist of statutory background and vulnerability assessment; policy alignment and assessment presentation workshops and a final project assessment and report.

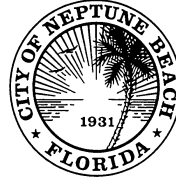
Mr. Murphy advised that there are two more meetings that need to be scheduled.

The special meeting adjourned at 5:28 p.m.

Elaine Brown, Mayor

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, NOVEMBER 16, 2020, 6:00 P.M.**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 16, 2020, at 6:00 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Josh Messinger Councilor Scott Wiley Councilor-Elect Lauren McPhaul	STAFF: City Manager Stefen Wynn City Attorney Zachary Roth Police Chief Richard Pike Community Development Director Kristina Wright Mobility Management Director Megan Steward Grants and Resiliency Coordinator Colin Moore City Clerk Catherine Ponson
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Call to Order Mayor Brown called the workshop meeting to order at 6:00 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

Departmental Score Card Departmental Score Card. City Manager Stefen Wynn explained the Departmental Score Card had been updated by adding costs and initial project date information. This will be posted on the City website.

COMMITTEE REPORTS

Finance/ Boards/ Charter Review Committee Chairman Wiley reported his committee met on November 13 and discussed the Fire Protection Ordinance on the agenda tonight, the banking services RFP, the Waste Pro contract and the RTA outstanding invoices.

Land Use & Parks Committee Chairman Messinger reported his committee met on November 12 and discussed some of the final details of Jarboe Park. The permits have been received from the St. Johns River Water Management District and the Army Corps of Engineers. The committee is recommending three volleyball courts. There was also a discussion of playground equipment and lighting. The golf cart ordinance was discussed and is on the agenda for tonight.

Strategic Planning & Visioning Committee Chairman Jones reported the committee will continue to discuss the Vision Plan and the start of Phase 2 and 3, the Comp Plan and LDC.

Transportation & Public Safety Committee Chairman Jones reported this committee met on October 28, and discussed crosswalk improvements, CIP projects and coordinating with Jacksonville Beach as they talk about trails. The Committee also welcome Mobility Management Director Megan Steward and look forward to opportunities and ways to make that a success.

Police Chief Report Police Chief Richard Pike reported they will be making traffic calming improvements on Bay Street due to concerns. The major improvement would be the addition of the sidewalk and the lighting. They will be using the traffic counter before the Park opens to monitor the traffic. He also reported that the food drive held on November 14 at Beaches Chapel was a huge success.

PUBLIC COMMENT

Public Comment Beth Vissman, 510 Bay Street, Neptune Beach, spoke regarding parking on Bay Street. She asked Council to step back and look at the parking situation.

John Holmes, 914 4th Street, Neptune Beach, stated he lives at the corner of 4th Street and Bay Street. He stated he also had concerns regarding the parking and did not know about the park project.

Larry Mays, 1701 Lighty Lane, Neptune Beach, presented a petition with signatures opposing the potential kayak launch being installed in his area.

Beverly Hollod, 522 Bay Street, Neptune Beach, stated she is formally opposing the paving of any parking spot on Bay Street. She will take whatever measure is necessary with her group.

Joshua Vissman, 504 Beachcomber Drive, Neptune Beach, questioned if Council had done their due diligence on what the residents are looking for to get more access to the park.

PROPOSED ORDINANCES

Proposed Ord. 2020-(Fire Prevention and Protection) Proposed Ordinance No. 2020-, An Ordinance Amending and Restating Chapter 2 (Fire Prevention and Protection); Amending Section 10-1 and Creating New Sections 10-2 through 10-38; Providing for Severability; Providing an Effective Date

Mayor Brown introduced Fire Marshal John Ruley. This ordinance establishes a fee schedule for commercial plan review and brings the City in compliance with F. S. Chapter 633, Fire Prevention and Control.

Councilor Chin questioned the fee schedule regarding special events. Mr. Wynn stated that special events applications come through his office and this would be added to the final review.

Made by Messinger, seconded by Chin.

MOTION: TO MOVE PROPOSED ORDINANCE NO. 2020-, FIRE PREVENTION AND PROTECTION, TO FIRST READ ON DECEMBER 7, 2020.

Roll Call Vote:
 Ayes: 5- Chin, Messinger, Wiley, Jones, and Brown.
 Noes: 0

MOTION CARRIED

Proposed Ord.
2020-(Balloon
Release)

Proposed Ordinance No. 2020-, An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date.

Mayor Brown stated the release of balloons is dangerous to animals and this ordinance is long overdue.

Councilor Messinger suggested including this language on the rule boards at public spaces.

Made by Messinger, seconded by Jones.

MOTION: **TO MOVE PROPOSED ORDINANCE NO. 2020-, PROHIBITING OUTDOOR RELEASE OF BALLOONS, TO FIRST READ ON DECEMBER 7, 2020.**

Roll Call Vote:

Ayes: 5- Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Proposed Ord.
2020-(Parking
Spaces)

Proposed Ordinance No. 2020-, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mobility Management Director Megan Steward stated that the City uses a license plate reader for parking enforcement. There are no regulations making it illegal to back into a space as this makes it difficult to read the license plate. She is also working with the marketing consultant to include the regulations on that signage.

Made by Messinger, seconded by Wiley.

MOTION: **TO MOVE PROPOSED ORDINANCE NO. 2020-, PARKING SPACES, TO FIRST READ ON DECEMBER 7, 2020.**

Roll Call Vote:

Ayes: 5- Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Proposed Ord.
2020-(Golf Carts)

Proposed Ordinance No. 2020-, An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date

Councilor Messinger stated that the City is trying to improve pedestrian safety and the neighborhood experience. As we look at the future, as we look at access, these regulations need to be in place.

Vice Mayor Jones commented that this is a great ordinance and is looking forward to integrating it into our mobility network. He added that it would be useful to incorporate language from the National Highway Traffic Safety Administration.

Councilor Messinger stated that it is not the intent to change the multi-purpose path network to golf cart paths.

Made by Messinger, seconded by Jones.

MOTION: **TO MOVE PROPOSED ORDINANCE NO. 2020-, GOLF CARTS, TO FIRST READ ON DECEMBER 7, 2020.**

Roll Call Vote:

Ayes: 5- Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Banking Services RFP

Banking Services RFP Recommendation Discussion. Mr. Wynn stated that the City is waiting on the third score card evaluating the RFPs. Proposals were received from BBVA, Chase and Wells Fargo.

Res. No. 2020-09, CDB Appointment

Resolution No. 2020-09, A Resolution Appointing Member to the Community Development Board. Mayor Brown explained that David Jaffee was appointed on June 6, 2020, to fill an unexpired term. That term expired on November 6, 2020, and this resolution would appoint Mr. Jaffee to a one-year term as an alternate.

CONSENSUS: **TO MOVE RESOLUTION NO. 2020-09 FORWARD TO THE DECEMBER 7, 2020 AGENDA**

PUBLIC COMMENT / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the workshop meeting adjourned at 6:52 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
TUESDAY, DECEMBER 1, 2020 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice a Special Council Meeting of the City Council of the City of Neptune Beach was held December 1, 2020, at 7:00pm in the Council Chambers, City Hall 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley
Councilor-Elect Lauren Key

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Community Development Director Kristina Wright
Grants and Resiliency Coordinator Colin Moore
City Clerk Catherine Ponson

Call to Order/Pledge of Allegiance

Mayor Brown opened the meeting at 7:00 p.m. and Councilor Wiley led the Pledge of Allegiance.

Oath of Office

OATH OF OFFICE , MAYOR, SEAT 1

Judge Collins Cooper administered the Oath of Office for Mayor, Seat 1 to Elaine Brown

OATH OF OFFICE, SEAT 2

Mayor Elaine Brown administered the Oath of Office for Seat 2 to Lauren Key

OATH OF OFFICE, SEAT 3

Mayor Elaine Brown administered the Oath of Office for Seat 3 to Kerry Chin

PRESENTATION OF CERTIFICATE OF ELECTION BY CITY CLERK

City Clerk Catherine Ponson presented Mayor Brown and Councilors Lauren Key and Kerry Chin with their Certificate of Election.

COMMENTS FROM THE COUNCIL

Councilor Chin stated he is honored and deeply touched to be re-elected to Seat 3. He wants all of the residents to know that he is here to represent them.

Councilor Messinger commented that this is an excellent group here. He is honored to have worked alongside Councilor Wiley. He is excited to welcome Councilor Lauren Key. She is going to do an amazing job. She has a deep passion for this community. He added that he has watched Councilor Chin perform admirably and looks forward to working with him.

Vice Mayor Fred Jones stated he continues to be humbled by serving with this Council. He added it has been a pleasure serving with Councilor Wiley.

Councilor Wiley commented it has been a pleasure and an honor to serve for eight years. He recognized his wife, Becky.

Councilor Lauren Key took her seat on the dais. She thanked everyone who attended and who has supported her on this journey. She looks forward to serving the citizens of Neptune Beach.

Mayor Brown stated it is an honor to serve the people of Neptune Beach. It is a very special community.

Adjournment There being no further business, the special meeting adjourned at 7:16 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, City Clerk

Approved: _____

City of Neptune Beach

Kristina L. Wright, FRA-RA, Community Development Director
116 First Street • Neptune Beach, Florida 32266-6140



MEMORANDUM

TO: Community Development Board

FROM: Kristina L. Wright, FRA-RA, Community Development Director

DATE: October 28, 2020

SUBJECT: CDB20-06 1004 & 1006 First Street (PINs: 172840-0000 & 172842-0000)

Background

Application CDB20-06 is a request to Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach. The property is currently known as for 1004 & 1006-1008 First Street, (PINs: 172840-0000 & 172842-0000). The subject property is located on the west side of First Street between Bay and Magnolia in the R-4 zoning district. The applicants are requesting to demolish the existing buildings and replat the properties into two conforming lots. The request is to remove 19 feet from the parcel know as 1006 First (PIN: 172842-0000) and added it to the parcel 1004 First (PIN: 172840-0000). The granting of the replat would not create any additional lots.

Summary

The applicants are requesting to modify the lot lines of the subject properties to make the 1004 1st Street lot 62 feet wide (from north to south) by removing approximately 19 feet of width from 1006 1st Street and adding such width to 1004 1st Street. This would make 1006 1st Street 110 feet deep and 1004 1st Street 62 feet wide by 100 feet deep. The requested change will not create any additional lots and therefore the request is not prohibited by the Temporary Moratorium set forth in Section 27-110. Applicants will demolish the buildings with the addresses of 1004 1st Street and 1006 1st Street as a condition of the modification to the lot lines.

Staff Recommendation

Staff recommends approval of application CDB20-06 for 1004 and 1006 First Street subject to the demolition and removal of the existing structures at 1004 1st Street and 1006 1st Street.

Recommended Motion

I move to approve application CDB20-06 for 1004 and 1006 First Street subject to the demolition and removal of the existing structures at 1004 1st Street and 1006 1st Street.

CDB20-06
Application for
Replat 1004 and
1006-1008 First
Street, (RE#
172840-0000 &
172842-0000)

CDB20-06 Application for Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach. The property is currently known as for 1004 and 1006-1008 First Street, (RE# 172840-0000 & 172842-0000). The subject property is located on the west side of First Street between Bay and Magnolia in the R-4 zoning district. The applicants are requesting to demolish the existing buildings and replat the properties into two conforming lots. The request is to remove 19 feet from the parcel know as 1006 First (RE#172842-0000) and added it to the parcel 1004 First (RE#172840-0000). The granting of the replat would not create any additional lots.

Kristina Wright, Community Development Director, stated that the applicants are requesting to modify the lot lines of the subject properties to make the 1004 1st Street lot 62 feet wide (from north to south) by removing approximately 19 feet of width from 1006 1st Street and adding such width to 1004 1st Street. This would make 1006 1st Street 110 feet deep and 1004 1st Street 62 feet wide by 100 feet deep. The requested change will not create any additional lots and therefore the request is not prohibited by the Temporary Moratorium set forth in Section 27-110. Applicants will demolish the buildings with the addresses of 1004 1st Street and 1006 1st Street as a condition of the modification to the lot lines.

Staff recommends approval of application CDB20-06 for 1004 and 1006 First Street subject to the demolition and removal of the existing structures at 1004 1st Street and 1006 1st Street

Mr. Ian McKillop, co-owner of the property, the plan is to take 19 feet from 1006 First Street which is a very large lot that is 129 feet wide. The 19 feet will be added to 1004 First Street making it 62 feet wide which is currently 43 feet wide. The existing structures will be demolished to build new homes for our families.

The current structures are not compliant with the current codes. They were built a very long time ago and 1004 was built way back on the property. 1006 is all the way to the front of the lot. The new building, of course, will have to meet the current setbacks and the minimum requirements. We think that's going to be a new benefit to the area. Taking three properties down to 2. We understand that the moratorium is in place right now, as far as splitting lot. That's not what we're doing there, this is more of distribution of land.

Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

Made by Evens, seconded by Miller.

MOTION: TO RECOMMEND APPROVAL TO CITY COUNCIL FOR CDB20-06 SUBJECT TO THE DEMOLITION AND REMOVAL OF THE EXISTING STRUCTURES AT 1004 FIRST STREET AND 1006-1008 FIRST STREET.

Roll Call Vote:

Ayes: 7-Miller, Randolph, Evens , Raitti, Frosio, Schwartzenberger, Goodin
Noes: 0

MOTION APPROVED.

The applicants were informed this would be forwarded to City Council and that two reads would be required. The next Council meeting would be on December 7, 2020 at 6:00 pm and the applicant should attend that meeting.

APPLICATION FOR DEVELOPMENT PLAN REVIEW



TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT
 116 FIRST STREET
 NEPTUNE BEACH, FLORIDA 32266-6140
 PH: 270-2400 Ext 34 FAX: 270-2432
 CDD@NBFL.US

APPLICATION FEE: \$300 Residentially Zone Property
\$500 Commercially Zone Property plus \$.005 (1/2 cent) for each square foot of land
or \$1500 whichever is greater

<p>RECEIVED OCT 12 2020</p> <p>11:28 AM</p>	<p>Date Filed:</p>		<p>Name and address of the applicant requesting development review: (NOTE: If the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporation ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows.</p>	
	<p>Name & Mailing address of Owner of Record:</p> <p>Ian McKillop and Abbey McKillop 199 Oleander Street, Neptune Beach, FL 32266</p> <p>Adam Rigel and Amanda Rigel 1808 1st Street, Neptune Beach, FL 32266</p> <p>Contact phone # 904-534-6556</p> <p>e-mail address: ian@mckilloplawfirm.com</p>		<p>Property Address: 1004 1st Street and 1006 1st Street <u>Neptune Beach, FL 32266</u></p> <p>Real Estate ID # 1004 1st Street: 172840-0000 1006 1st Street: 172842-0000</p> <p>Lot: portions of lots 4, 5, 9 and 10; Block 38 Subdivision: Neptune</p> <p>Zoning District: R4</p>	
<p>Name and Address of Agent/Applicant:</p> <p>Ian McKillop 199 Oleander Street, Neptune Beach, FL 32266</p> <p>Adam Rigel 1808 1st Street, Neptune Beach, FL 32266</p>		<p>Telephone #:</p> <p>Ian McKillop: 904-534-6556 Adam Rigel: 904-566-4213</p> <p>Email: Ian McKillop: ian@mckilloplawfirm.com Adam Rigel: adam@jwbcompanies.com</p>		
<p>Describe Request being made:</p> <p>Applicants request to modify the lots lines of the subject properties to make the 1004 1st Street lot 62 feet wide (from north to south) by removing approximately 19 feet of width from 1006 1st Street and adding such width to 1004 1st Street. This would make 1006 1st Street 110ft wide by 100ft deep and 1004 1st Street 62ft wide by 100ft deep. The requested change will not create any additional lots and therefore applicants believe it is not prohibited by the Temporary Moratorium set forth in Section 27-110. Applicants will demolish the buildings with the addresses of 1004 1st Street and 1006 1st Street as a condition of the modification to the lot lines.</p>				
<p>PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS I ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.</p>				

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR DEVELOPMENT REVIEW AS REQUESTED.


OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT

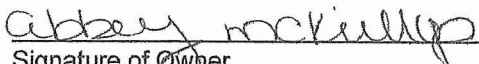
THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.

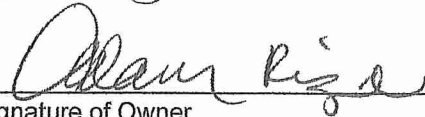
Ian McKillop and Adam Rigel are hereby authorized TO ACT ON BEHALF OF


Ian McKillop, Abbey McKillop, Adam Rigel and Amanda Rigel, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a development review:

<input type="checkbox"/> Development Order	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Comp Plan Amendment
<input checked="" type="checkbox"/> Replat	<input type="checkbox"/> Concurrency
<input type="checkbox"/> Appeal	<input type="checkbox"/> Other

BY:  Ian McKillop
 Signature of Owner Print Name

 Abbey McKillop
 Signature of Owner Print Name

 Adam Rigel
 Signature of Owner Print Name

 Amanda Rigel
 Signature of Owner Print Name

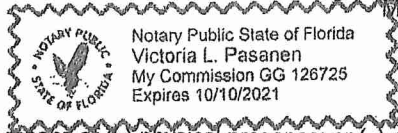
State of Florida
County of Duval

Signed and sworn before me by means of physical presence; or () online notarization, on this 7 day of October, 2020 by Ian McKillop.

Identification verified: personally known Oath sworn: Yes ___ No




Notary Signature My Commission expires: 10-10-21

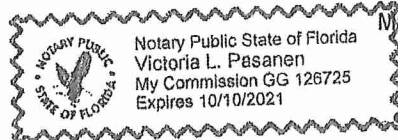


Signed and sworn before me by means of physical presence; or () online notarization, on this 7 day of October, 2020 by Abbey McKillop.

Identification verified: personally known Oath sworn: Yes ___ No




Notary Signature My Commission expires: 10-10-21

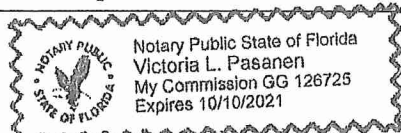


Signed and sworn before me by means of physical presence; or () online notarization, on this _____ day of October, 2020 by Adam Rigel.

Identification verified: personally known Oath sworn: Yes ___ No

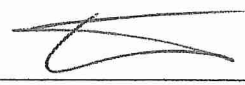


Notary Signature My Commission expires: 10-10-21

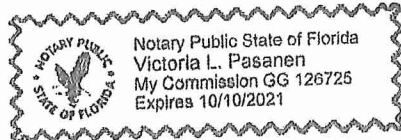


Signed and sworn before me by means of physical presence; or () online notarization on this _____ day of October, 2020 by Amanda Rigel.

Identification verified: personally known Oath sworn: Yes ___ No



Notary Signature My Commission expires: 10-10-21



CHECKLIST FOR DEVELOPMENT PLAN REVIEW

For a complete list of requirements see Article III, Chapter 27 of the Code of Ordinances

Commonly required items needed for development reviews.

- Site Plan
- Elevations (all four sides)
- Landscape Plan/Existing Tree Survey
- Impervious Surface Calculations
- Light Plan (exterior only)
- Signage Plan
- Floor Plan
- Survey of property (dated within one year)
For replat must submit existing and proposed surveys
- Parking Plan
- Stormwater and drainage plan
- Wetland Buffer
- Utility Plan with existing and/or proposed easements

DISCLAIMER: This helpful guide is not intended to replace any or all of the Unified Land Development Regulations, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only.

**AERIAL
VIEW**



PROPERTY ADDRESS: 1004 FIRST STREET, NEPTUNE BEACH, FLORIDA 32250

- LEGEND**
- A.E. = ACCESS EASEMENT
 - L.E. = LANDSCAPE EASEMENT
 - M.E. = MAINTENANCE EASEMENT
 - P.D.E. = PRIVATE DRAINAGE EASEMENT
 - P.V.U.E. = PRIVATE UTILITY EASEMENT
 - L.M.E. = LANDSCAPE MAINTENANCE EASEMENT
 - C.N.A. = CORNER NOT ACCESSIBLE
 - FND = FOUND
 - NED = NAIL AND DISK
 - WM = WATER METER
 - WV = WATER VALVE
 - R.P.P. = BACKFLOW PREVENTER
 - B.F.V. = BACKFLOW PREVENTER VALVE
 - COV. = COVERED
 - EP = EDGE OF PAVEMENT
 - C.T.V. = CABLE TV BOX
 - E.B. = ELECTRIC BOX
 - E.M. = ELECTRIC METER
 - G.V. = GATE VALVE
 - G.T. = GREASE TRAP
 - L.P. = LIGHT POLE
 - M.H. = MANHOLE
 - M.W. = MONITOR WELL
 - R.R. = RISER
 - S.V. = SEWER VALVE
 - T.B. = TELEPHONE BOX
 - OHU = OVERHEAD UTILITY LINE
 - CS = CONCRETE SLAB
 - P.F. = POWER POLE
 - PE = POOL EQUIPMENT
 - CONC. = CONCRETE
 - C.L.F. = CHAIN LINK FENCE
 - W.F. = WOOD FENCE
 - B.W.F. = BARBED WIRE FENCE
 - H.W.F. = HOG WIRE FENCE
 - P.V.C.F. = PLASTIC VINYL FENCE
 - PL. = PROPERTY LINE
 - INST. = INSTRUMENT NUMBER
 - D.B. = DEED BOOK
 - O.R.B. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.I.D. = PARCEL IDENTIFICATION NUMBER
 - B.S.L. = BUILDING SETBACK LINE
 - E.O.W. = EDGE OF WATER



AERIAL PROVIDED IS FOR VIEWING ONLY
AERIAL IS NOT TO SCALE

ORDERED BY:



LEGAL DESCRIPTION:

THE SOUTH 43 FEET OF THE NORTH 85 FEET OF LOTS 9 AND 10, BOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

ADAM RIGEL, MCKILLOP LAW FIRM,
PL; OLD REPUBLIC TITLE INSURANCE
COMPANY

CLIENT NO: _____

JOB NO: 43083

FIELD DATE: 7/29/2020

APPROVED BY: J.S.

CHECKED BY: C.R.

DRAWN BY: G.J.

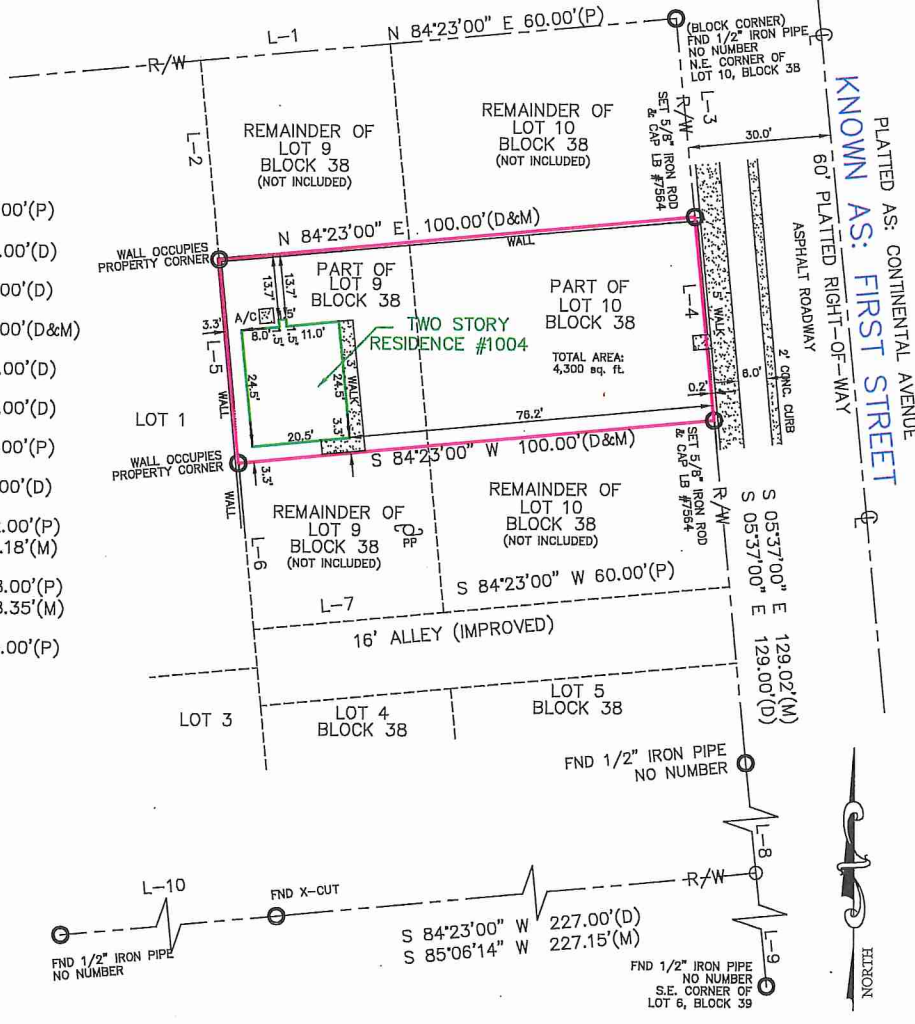
DRAWN DATE: 07/29/20

FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564
WWW.FIRSTCHOICESURVEYING.COM

Existing 1004154

BOUNDARY SURVEY

- L-1 N 84°23'00" E 40.00'(P)
- L-2 N 05°37'00" W 42.00'(D)
- L-3 S 05°37'00" E 42.00'(D)
- L-4 S 05°37'00" E 43.00'(D&M)
- L-5 N 05°37'00" W 43.00'(D)
- L-6 N 05°37'00" W 35.00'(D)
- L-7 S 84°23'00" W 40.00'(P)
- L-8 S 05°37'00" E 42.00'(D)
- L-9 S 05°37'00" E 162.00'(P)
- L-10 S 05°06'15" E 160.18'(M)
- L-11 S 84°23'00" W 128.00'(P)
- L-12 S 84°24'05" W 128.35'(M)
- L-13 S 05°37'00" E 120.00'(P)



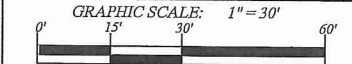
PROPERTY ADDRESS: 1004 FIRST STREET, NEPTUNE BEACH, FLORIDA 32250

LEGEND

P.O.C.	= POINT OF COMMENCEMENT
F.O.B.	= POINT OF BEGINNING
(P)	= PLAT
(M)	= MEASURE
(D)	= DESCRIPTION
(CF)	= CALCULATED FROM FIELD DATA
(CR)	= CALCULATED FROM RECORDED DATA
P.C.P.	= PERMANENT CONTROL POINT
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.I.	= POINT OF INTERSECTION
P.C.	= POINT OF CURVATURE
P.T.	= POINT OF TANGENCY
C	= CENTER LINE
R/W	= RIGHT OF WAY
K	= RADIUS
L	= ARC LENGTH
A	= CENTRAL ANGLE
C	= CHORD
C.B.	= CHORD BEARING
D.U.E.	= DRAINAGE UTILITY EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
C.M.E.	= CANAL MAINTENANCE EASEMENT



POINTS OF INTEREST:
NONE VISIBLE



	WOOD		BRICK PAVEMENT
	ASPHALT		CONCRETE

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE X(BFE NA), PER F.L.R.M. MAP NUMBER 1203(C0409), DATED 11/02/2018.
THIS SURVEYOR MAKES NO GUARANTEES AS THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL RE.M.A.GENT SHOULD BE CONTACTED FOR VERIFICATION.

SURVEYOR'S NOTES:
1. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE LEGAL DESCRIPTION PROVIDED BY OTHERS.
2. UNLESS SHOWN, UNDERGROUND UTILITIES IMPROVEMENTS, FOUNDATIONS AND/OR SUBSURFACE STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
3. ALL BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF FIRST STREET, AS BEING S 85° 19' 00" E, 75.43 FEET ASSUMED.
4. THE PURPOSE OF THIS SURVEY IS FOR THE USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
5. FINER OVERSIGHT NOT DETERMINED.
6. THE LANDS SURVEY HEREON WERE NOT AFFECTED FOR ASSESSMENT OR OTHER RECORDED ENCUMBRANCES THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

LEGAL DESCRIPTION:
THE SOUTH 43 FEET OF THE NORTH 85 FEET OF LOTS 9 AND 10, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
ADAM RIGEL, MCKILLOP LAW FIRM,
PL, OLD REPUBLIC TITLE INSURANCE COMPANY

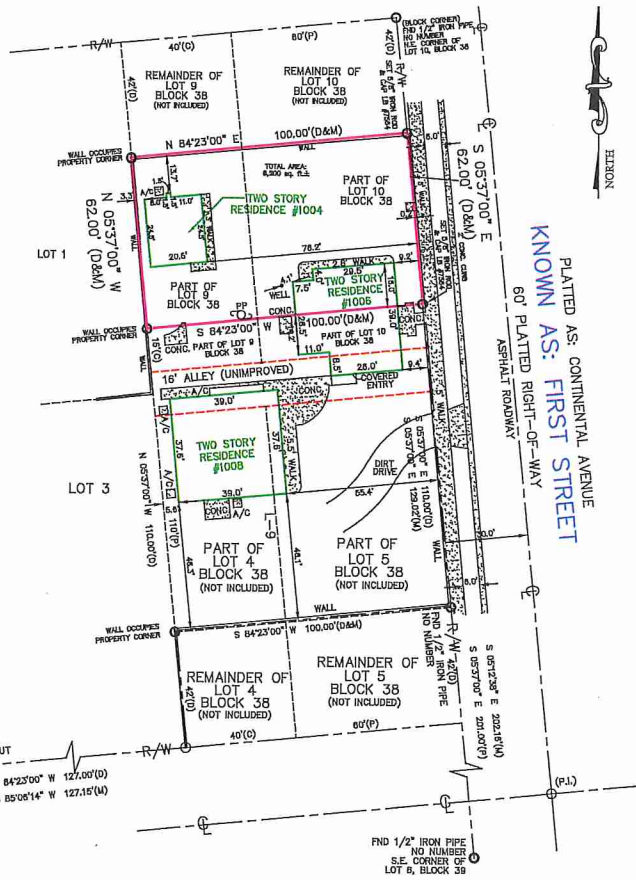
CLIENT NO: _____
JOB NO: 43083
FIELD DATE: 7/29/2020
APPROVED BY: L.S.
CHECKED BY: C.R.
DRAWN BY: G.I.
DRAWN DATE: 07/29/20

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 31-17.050 THROUGH 31-17.053, FLORIDA ADMINISTRATIVE CODE, CONSISTANT TO CHAPTER 472.027, FLORIDA STATUTES.

CERTIFIED BY: JON SHORR, LICENSE NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. 47097 LAKE MONTESSIE, FL 32747
407.951.3425 (OFFICE), 407.205.4533 (FAX); LB 7564
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
DATE SIGNED: 07/29/20

1004 1st
Proposed

BOUNDARY SURVEY



PLATTED AS: CONTINENTAL AVENUE
KNOWN AS: FIRST STREET
60' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

S 84°23'00" W 128.00'(D)
 S 85°00'14" W 128.35'(H)
 S 84°23'00" W 127.00'(D)
 S 85°00'14" W 127.15'(H)

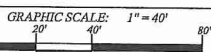
S 08°23'00" E 202.41'(D)
 S 08°23'00" E 202.41'(D)
 S.E. CORNER OF LOT 6, BLOCK 38

PROPERTY ADDRESS: 1004 FIRST STREET, NEPTUNE BEACH, FLORIDA 32250

- LEGEND
- P.O.C. - POINT OF COMMENCEMENT
 - P.O.B. - POINT OF BEGINNING
 - D - DISTANCE
 - M - MEASURE
 - DIS - DESCRIPTION
 - CO - CALCULATED FROM FIELD DATA
 - CC - CALCULATED FROM RECORDED DATA
 - P.C.P. - PERMANENT CONTROL POINT
 - R.C.P. - REVERSE CURVATURE POINT
 - R.C.C. - POINT OF REVERSE CURVATURE
 - C.C. - POINT OF CURVATURE
 - R.I. - POINT OF INTERSECTION
 - R.I.C. - POINT OF INTERSECTION CURVATURE
 - T.A. - POINT OF TANGENCY
 - C.L. - CENTER LINE
 - R/W - RIGHT OF WAY
 - R - RADIUS
 - A - ARC LENGTH
 - C.A. - CENTRAL ANGLE
 - C - CHORD
 - C.B. - CHORD BEARING
 - D.U.E. - DRAINAGE UTILITY EASEMENT
 - P.U.E. - PUBLIC UTILITY EASEMENT
 - T.E. - TITLE EASEMENT
 - D.E. - DRAINAGE EASEMENT
 - C.M.E. - CANAL MAINTENANCE EASEMENT
 - BRICK/PAVEMENT
 - CONCRETE
 - ASPHALT



POINTS OF INTEREST:
PROPOSED LOT LINE RUNS THROUGH RESIDENCE, AS SHOWN HEREON.



LEGAL DESCRIPTION:
THE SOUTH 62 FEET OF THE NORTH 104 FEET OF LOTS 9 AND 10, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
IAN MCKILLOP AND ABBEY MCKILLOP
AND ADAM RIGEL AND AMANDA RIGEL

CLIENT NO: N/A
 JOB NO: 32501
 FIELD DATE: 7/29/2020
 APPROVED BY: J.S.
 CHECKED BY: M.P.
 DRAWN BY: M.P.
 DRAWN DATE: 10/09/20

I HEREBY CERTIFY THAT THE SURVEY OF THE HERON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND ENGINEERS IN CHAPTER 51-17.030 THROUGH 51-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.002, FLORIDA STATUTES.

CERTIFIED BY: JON SHORRAKER, P.S. NO. 5144
 FIRST CHOICE SURVEYING, INC.
 P.O. BOX 2323, GAINESVILLE, FL 32604
 352-383-2444 (PHONE); 352-383-2443 (FAX); LB 7564

DATE SIGNED: 10/09/20

FLOOD ZONE (FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE X (SEE N.E. FLAM MAP NUMBER 12031C0400), DATED 11/02/2018.
THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL REAL AGENT SHOULD BE CONTACTED FOR VERIFICATION.

SURVEYOR'S NOTES:
1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETION FOR TITLE SURVEYANCE (CERTAIN RECORDS FROM PREVIOUS SURVEYS BY THE SAME SURVEYOR).
2. ALLERIES, EASEMENTS, UNDEVELOPED UTILITIES, EASEMENTS, EASEMENTS AND/OR EASEMENTS WERE NOT LOCATED BY THIS SURVEY.
3. EASEMENTS ARE SHOWN BY THE WESTERLY BOUNDARY OF THE LOTS OF FIRST STREET AS SHOWN, 542.50' TO THE WESTERLY BOUNDARY.
4. THE PURPOSE OF THIS SURVEY IS FOR THE USE IN SETTING TITLE EASEMENTS AND ADJACENT AND INTERESTS IN THE LAND AND TO BE USED FOR CONSTRUCTION PURPOSES.
5. EASEMENTS ARE NOT SHOWN.
6. THE LAND SURVEYOR HAS NOT INSPECTED FOR EASEMENTS OR OTHER EASEMENTS OR INTERESTS IN THE LAND AS SHOWN BY THE RECORDS OF THE COUNTY.

**AERIAL
VIEW**



PROPERTY ADDRESS: 1004 FIRST STREET, NEPTUNE BEACH, FLORIDA 32250

- | | | |
|----------|----------------------------------|---------------|
| AE | = ACCESS EASEMENT | LEGEND |
| LE | = LANDSCAPE EASEMENT | |
| ME | = MAINTENANCE EASEMENT | |
| P.O.E. | = PRIVATE DRAINAGE EASEMENT | |
| P.U.E. | = PRIVATE UTILITY EASEMENT | |
| L.M.E. | = LANDSCAPE MAINTENANCE EASEMENT | |
| C.N.A. | = CORNER NOT ACCESSIBLE | |
| FND | = FLOOD | |
| W.D. | = WAIL AND DISK | |
| WM | = WATER METER | |
| W.V. | = WATER VALVE | |
| B.F.P. | = BACKFLOW PREVENTER | |
| B.F.P.V. | = BACKFLOW PREVENTER VALVE | |
| COV. | = COVERED | |
| SO | = EDGE OF PAVEMENT | |
| C.T.V. | = CABLE TV BOX | |
| ERB | = ELECTRIC BOX | |
| EM | = ELECTRIC METER | |
| G.V. | = GATE VALVE | |
| G.T. | = GREASE TRAP | |
| L.F. | = LIGHT FIXTURE | |
| M.H. | = MANHOLE | |
| M.W. | = MONITOR WELL | |
| R.R. | = RISER | |
| S.V. | = SEWER VALVE | |
| T.B. | = TELEPHONE BOX | |
| OU | = OVERHEAD UTILITY LINE | |
| CS | = CONCRETE SLAB | |
| PP | = POWER POLE | |
| FE | = FENCE | |
| COINC. | = CONCRETE | |
| C.L.F. | = CHAIN LINK FENCE | |
| W.F. | = WOOD FENCE | |
| B.W.F. | = BARBED WIRE FENCE | |
| H.W.F. | = HDG WIRE FENCE | |
| P.W.F. | = PLASTIC WIRE FENCE | |
| PL | = PLASTIC | |
| PL | = PROPERTY LINE | |
| INST. | = INSTRUMENT NUMBER | |
| D.B. | = DEED BOOK | |
| O.R. | = OFFICIAL RECORDS BOOK | |
| P.L. | = PLAT BOOK | |
| PL | = PLAT | |
| P.I.D. | = PARCEL IDENTIFICATION NUMBER | |
| R.L. | = RAILING REFERENCE LINE | |
| E.O.V. | = EDGE OF WATER | |



AERIAL PROVIDED IS FOR VIEWING ONLY
AERIAL IS NOT TO SCALE

ORDERED BY:



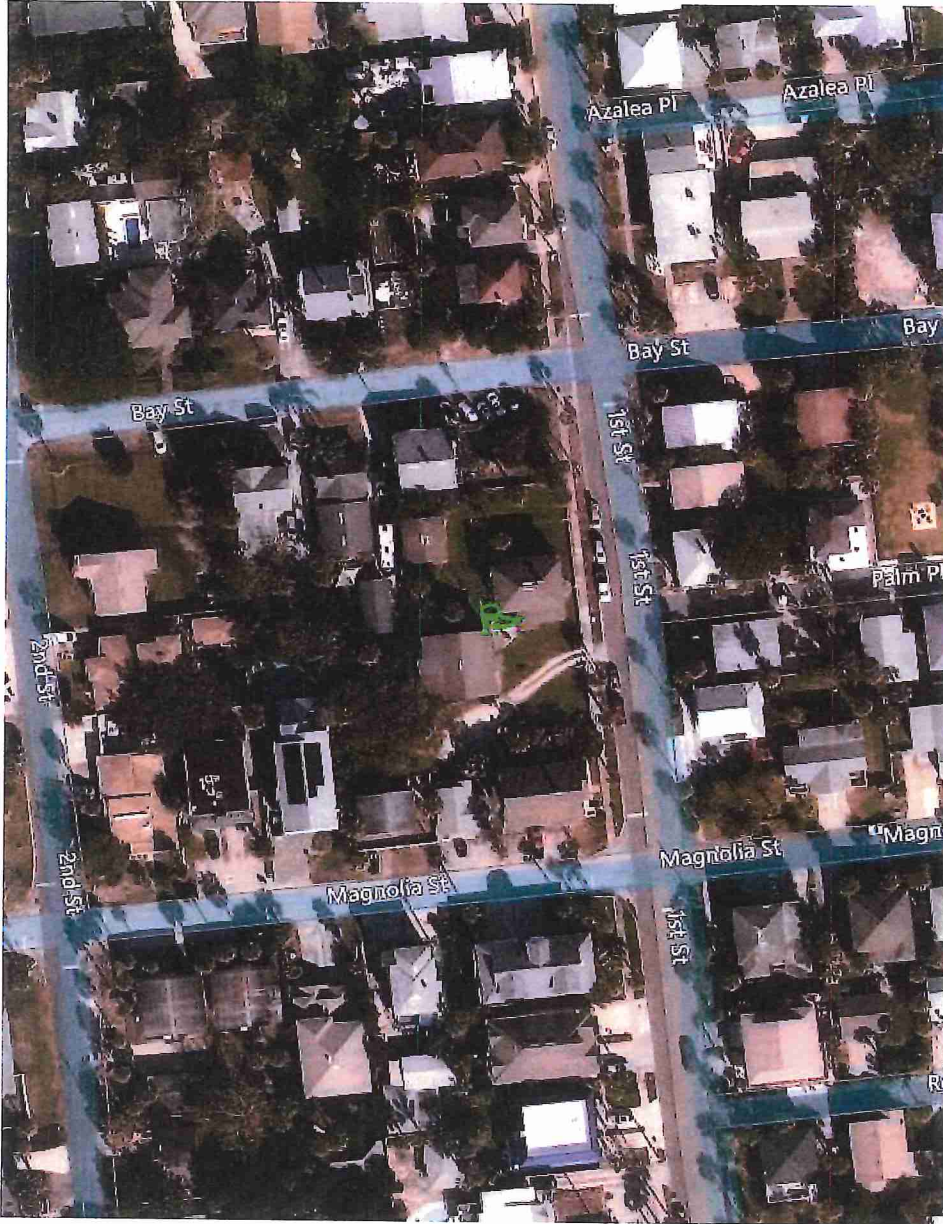
LEGAL DESCRIPTION:
THE SOUTH 62 FEET OF THE NORTH 104 FEET OF LOTS 9 AND 10, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
IAN MCKILLOP AND ABBEY
MCKILLOP AND ADAM RIGEL AND
AMANDA RIGEL .

CLIENT NO: N/A
JOB NO: 45801
FIELD DATE: 2/28/2020
APPROVED BY: IA
CHECKED BY: M.R.
DRAWN BY: M.R.
DRAWN DATE: 10/29/20

FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564
WWW.FIRSTCHOICESURVEYING.COM

**AERIAL
VIEW**



PROPERTY ADDRESS: 1006 & 1008 1ST STREET, NEPTUNE BEACH, FLORIDA 32266

- LEGEND**
- A.E. = ACCESS EASEMENT
 - L.E. = LANDSCAPE EASEMENT
 - M.E. = MAINTENANCE EASEMENT
 - P.D.E. = PRIVATE DRAINAGE EASEMENT
 - P.U.E. = PRIVATE UTILITY EASEMENT
 - L.M.E. = LANDSCAPE MAINTENANCE EASEMENT
 - C.N.A. = CORNER NOT ACCESSIBLE
 - FND = FOUND
 - M&D = NAIL AND DISK
 - WM = WATER METER
 - WV = WATER VALVE
 - R.F.P. = BACKFLOW PREVENTER
 - B.F.V. = BACKFLOW PREVENTER VALVE
 - COV. = COVERED
 - EP = EDGE OF PAVEMENT
 - C.T.V. = CABLE TV BOX
 - EB = ELECTRIC BOX
 - EM = ELECTRIC METER
 - G.V. = GATE VALVE
 - G.T. = GREASE TRAP
 - LP = LIGHT POLE
 - M.H. = MANHOLE
 - M.W. = MONITOR WELL
 - R.S.R. = RISER
 - S.V. = SEWER VALVE
 - T.B. = TELEPHONE BOX
 - OHU = OVERHEAD UTILITY LINE
 - CS = CONCRETE SLAB
 - P.P. = POWER POLE
 - PE = POOL EQUIPMENT
 - CONC. = CONCRETE
 - C.L.F. = CHAIN LINK FENCE
 - W.F. = WOOD FENCE
 - R.W.F. = BARBED WIRE FENCE
 - H.W.F. = HOG WIRE FENCE
 - P.V.C.F. = PLASTIC VINYL FENCE
 - PL = PROPERTY LINE
 - INST. = INSTRUMENT NUMBER
 - D.B. = DEED BOOK
 - O.R.B. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.I.D. = PARCEL IDENTIFICATION NUMBER
 - B.S.L. = BUILDING SETBACK LINE
 - E.O.W. = EDGE OF WATER



AERIAL PROVIDED IS FOR VIEWING ONLY
AERIAL IS NOT TO SCALE

ORDERED BY:



LEGAL DESCRIPTION:

THE SOUTH 16 FEET OF LOTS 9 AND 10; AND THE NORTH 8 FEET OF PLATTED ALLEY; AND THE NORTH 35 FEET OF LOTS 4 AND 5; AND THE SOUTH 8 FEET OF PLATTED ALLEY, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; AND THE NORTH 43 FEET OF THE SOUTH 85 FEET OF LOTS 4 AND 5, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

IAN MCKILLOP AND ABBEY
MCKILLOP AND ADAM RIGEL AND
AMANDA RIGEL

CLIENT NO: N/A
JOB NO: 45600
FIELD DATE: 7/29/2020
APPROVED BY: J.S.
CHECKED BY: M.P.
DRAWN BY: M.P.
DRAWN DATE: 10/09/20

FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564
WWW.FIRSTCHOICESURVEYING.COM

**AERIAL
VIEW**



PROPERTY ADDRESS: 1006 FIRST STREET, NEPTUNE BEACH, FLORIDA 32266

- LEGEND**
- A.E. = ACCESS EASEMENT
 - L.E. = LANDSCAPE EASEMENT
 - M.E. = MAINTENANCE EASEMENT
 - P.D.E. = PRIVATE DRAINAGE EASEMENT
 - P.U.E. = PRIVATE UTILITY EASEMENT
 - L.M.E. = LANDSCAPE MAINTENANCE EASEMENT
 - C.N.A. = CORNER NOT ACCESSIBLE
 - FND = FOUND
 - M&D = NAIL AND DISK
 - WM = WATER METER
 - WV = WATER VALVE
 - B.F.P. = BACKFLOW PREVENTER
 - B.F.V. = BACKFLOW PREVENTER VALVE
 - COV. = COVERED
 - EP = EDGE OF PAVEMENT
 - C.T.V. = CABLE TV BOX
 - EB = ELECTRIC BOX
 - EM = ELECTRIC METER
 - G.V. = GATE VALVE
 - G.T. = GREASE TRAP
 - L.P. = LIGHT POLE
 - M.H. = MANHOLE
 - M.W. = MONITOR WELL
 - R.S.R. = RISER
 - S.V. = SEWER VALVE
 - T.B. = TELEPHONE BOX
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 - P.P. = POWER POLE
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 - C.L.F. = CHAIN LINK FENCE
 - W.F. = WOOD FENCE
 - R.W.F. = BARBED WIRE FENCE
 - H.W.F. = HOG WIRE FENCE
 - P.V.C.F. = PLASTIC VINYL FENCE
 - PL = PROPERTY LINE
 - INST. = INSTRUMENT NUMBER
 - DB = DEED BOOK
 - O.R.B. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.I.D. = PARCEL IDENTIFICATION NUMBER
 - B.S.L. = BUILDING SETBACK LINE
 - E.O.W. = EDGE OF WATER



AERIAL PROVIDED IS FOR VIEWING ONLY
AERIAL IS NOT TO SCALE

ORDERED BY:



LEGAL DESCRIPTION:

THE SOUTH 35 FEET OF LOTS 9 AND 10, AND THE NORTH 8 FEET OF PLATTED ALLEY, AND THE NORTH 35 FEET OF LOTS 4 AND 5, AND THE SOUTH 8 FEET OF PLATTED ALLEY, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

THE NORTH 43 FEET OF THE SOUTH 85 FEET OF LOTS 4 AND 5, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

ADAM RIGEL; MCKILLOP LAW FIRM,
PL; OLD REPUBLIC TITLE INSURANCE
COMPANY

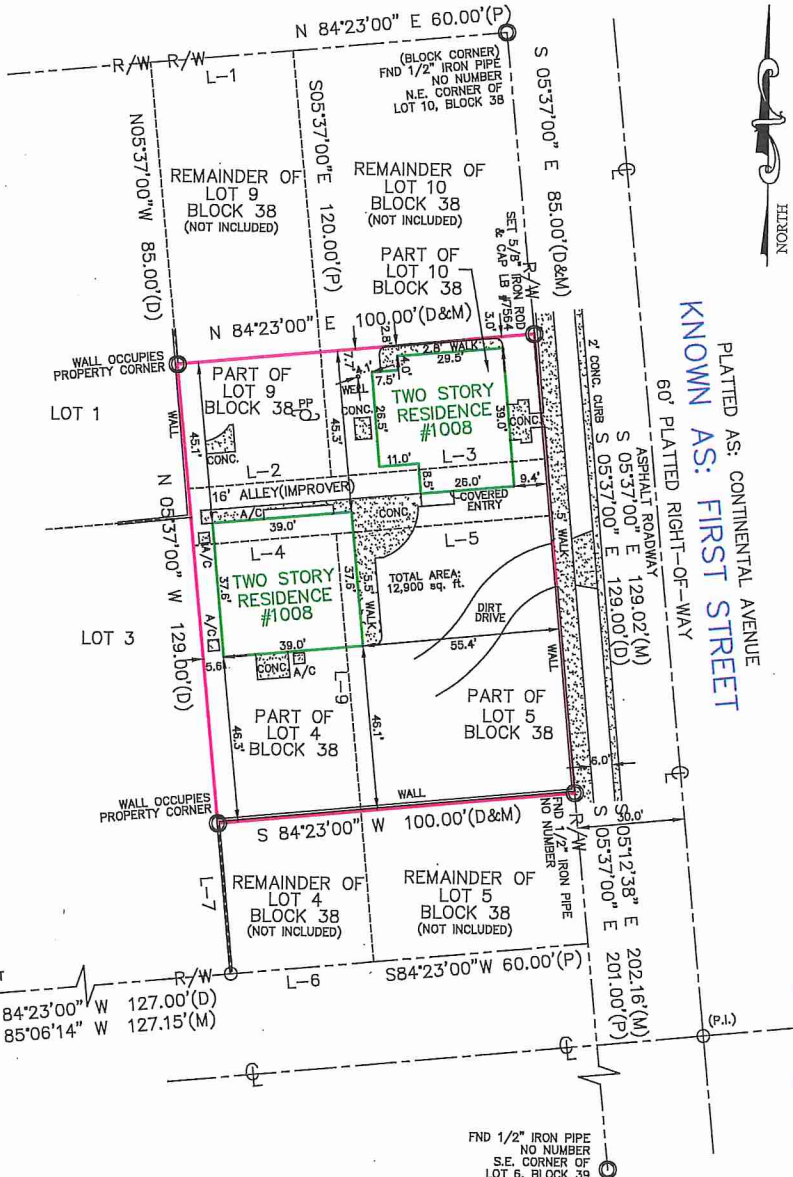
CLIENT NO: _____
JOB NO: 43082
FIELD DATE: 7/28/2020
APPROVED BY: J.S.
CHECKED BY: C.R.
DRAWN BY: G.J.
DRAWN DATE: 07/29/20

FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564
WWW.FIRSTCHOICESURVEYING.COM

1006-1008 First St
Exist. A

BOUNDARY SURVEY

- L-1 N 84°23'00" E 40.00'(P)
- L-2 S 84°23'00" W 40.00'(P)
- L-3 S 84°23'00" W 60.00'(P)
- L-4 S 84°23'00" W 40.00'(P)
- L-5 S 84°23'00" W 60.00'(P)
- L-6 S 84°23'00" W 60.00'(P)
- L-7 N 05°37'00" W 42.00'(D)
- L-8 S 84°23'00" W 128.00'(P)
- S 84°24'05" W 128.35'(M)
- L-9 S 05°37'00" E 120.00'(P)



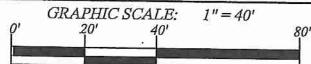
PLATTED AS: CONTINENTAL AVENUE
 KNOWN AS: FIRST STREET
 60' PLATTED RIGHT-OF-WAY

PROPERTY ADDRESS: 1006 FIRST STREET, NEPTUNE BEACH, FLORIDA 32266

ABB.	DESCRIPTION	LEGEND
P.O.C.	POINT OF COMMENCEMENT	
P.O.B.	POINT OF BEGINNING	
(P)	PLAT	
(M)	MEASURE	
(D)	DESCRIPTION	
(CF)	CALCULATED FROM FIELD DATA	
(CR)	CALCULATED FROM RECORDED DATA	
P.C.P.	PERMANENT CONTROL POINT	
P.R.M.	PERMANENT REFERENCE MONUMENT	
P.R.C.	POINT OF REVERSE CURVATURE	
P.C.C.	POINT OF COMPOUND CURVATURE	
P.I.	POINT OF INTERSECTION	
P.C.	POINT OF CURVATURE	
P.T.	POINT OF TANGENCY	
C	CENTER LINE	
R/W	RIGHT OF WAY	
R	RADIUS	
L	ARC LENGTH	
Δ	CENTRAL ANGLE	
C	CHORD	
C.B.	CHORD BEARING	
D.U.E.	DRAINAGE/UTILITY EASEMENT	
P.U.E.	PUBLIC UTILITY EASEMENT	
U.E.	UTILITY EASEMENT	
D.E.	DRAINAGE EASEMENT	
C.M.E.	CANAL MAINTENANCE EASEMENT	



POINTS OF INTEREST:
NONE VISIBLE



	WOOD
	BRICK/PAVER/TILE
	ASPHALT
	CONCRETE

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE X(BFE MA), PER FIRM MAP NUMBER 12031 C0409, DATED 11/02/2018.
THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL R.E.M.A AGENT SHOULD BE CONTACTED FOR VERIFICATION.

SURVEYOR'S NOTES:
1. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE LEGAL DESCRIPTION PROVIDED BY OTHERS.
2. UNLESS SHOWN, UNDERGROUND UTILITIES, IMPROVEMENTS, FOUNDATIONS AND/OR SUBSURFACE STRUCTURES WERE NOT ACCESSED BY THIS SURVEY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF FIRST STREET, AS BEING S 80° 37'00" E, PER PLAT, ASSUMED.
4. THE PURPOSE OF THIS SURVEY IS FOR THE USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
5. FENCE OWNERSHIP NOT DETERMINED.
6. THE LAND(S) SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

LEGAL DESCRIPTION:
THE SOUTH 35 FEET OF LOTS 9 AND 10, AND THE NORTH 8 FEET OF PLATTED ALLEY, AND THE NORTH 35 FEET OF LOTS 4 AND 5, AND THE SOUTH 8 FEET OF PLATTED ALLEY, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

THE NORTH 43 FEET OF THE SOUTH 85 FEET OF LOTS 4 AND 5, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
ADAM RIGEL; MCKILLOP LAW FIRM,
PL, OLD REPUBLIC TITLE INSURANCE COMPANY

CLIENT NO: _____
JOB NO: 43082
FIELD DATE: 7/28/2020
APPROVED BY: I.S.
CHECKED BY: C.R.
DRAWN BY: G.L.
DRAWN DATE: 07/29/20

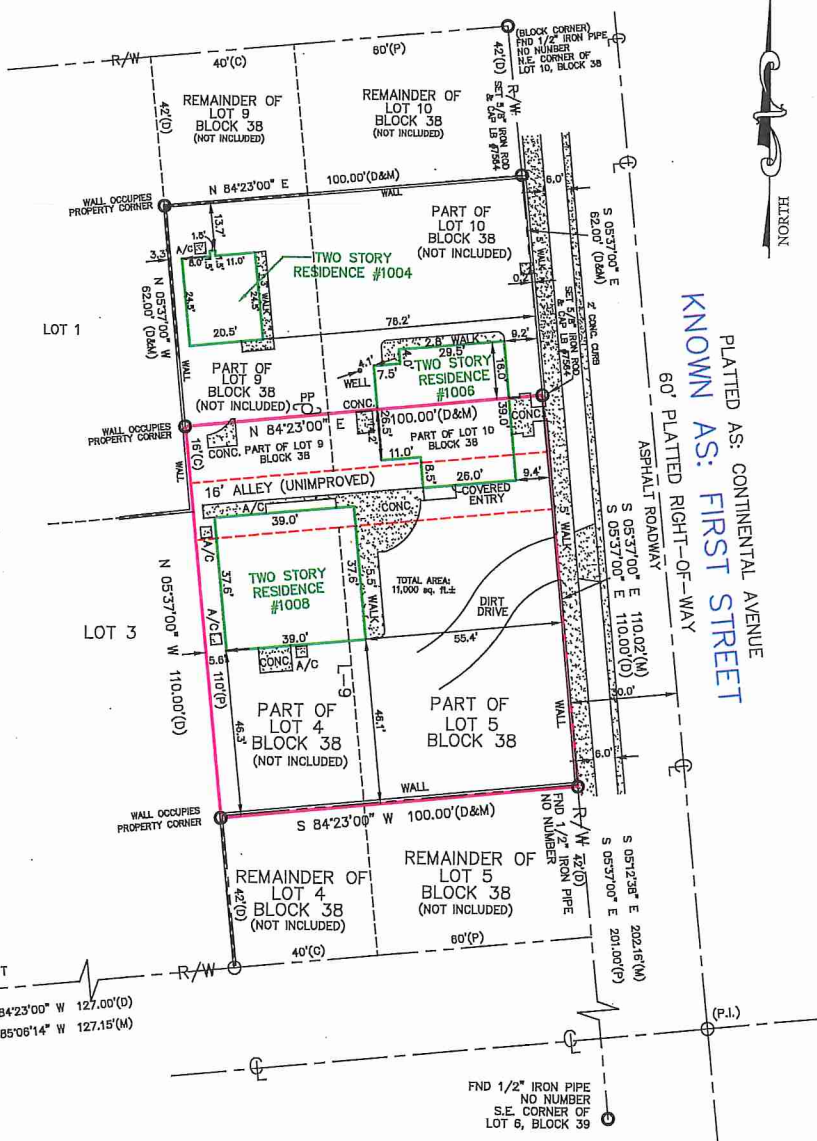
I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH IN THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 51-17.050 THROUGH 51-17.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

CERTIFIED BY: JON SHORR, M.A.S., P.S.M. NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. 470786, DUNES PALMS, FL 32747
407.951.3425 (OFFICE) 407.951.3453 (FAX), LB 7564
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

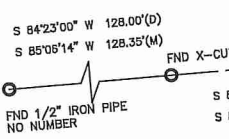
DATE SIGNED: 07/29/20

1006-1008 First St
Proposed

BOUNDARY SURVEY



PLATTED AS: CONTINENTAL AVENUE
KNOWN AS: FIRST STREET
60' PLATTED RIGHT-OF-WAY

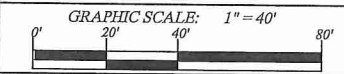


PROPERTY ADDRESS: 1006 & 1008 1ST STREET, NEPTUNE BEACH, FLORIDA 32266

- LEGEND**
- P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - (D) = DEED
 - (M) = MEASURE
 - (D) = DESCRIPTION
 - (CF) = CALCULATED FROM FIELD DATA
 - (CR) = CALCULATED FROM RECORDED DATA
 - P.R.M. = PERMANENT REFERENCE MONUMENT
 - P.R.C. = POINT OF REVERSE CURVATURE
 - P.C.C. = POINT OF COMPOUND CURVATURE
 - P.I. = POINT OF INTERSECTION
 - P.C. = POINT OF CURVATURE
 - P.T. = POINT OF TANGENCY
 - CL = CENTER LINE
 - R/W = RIGHT OF WAY
 - R = RADIUS
 - L = ARC LENGTH
 - Δ = CENTRAL ANGLE
 - C = CHORD
 - C.B. = CHORD BEARING
 - D.U.E. = DRAINAGE UTILITY EASEMENT
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - U.E. = UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - C.M.E. = CANAL MAINTENANCE EASEMENT



POINTS OF INTEREST:
PROPOSED LOT LINE RUNS THROUGH RESIDENCE, AS SHOWN HERON.



SURVEYOR'S NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COUNTERPART FOR TITLE INSURANCE (LEGAL DESCRIPTION PROVIDED BY SURVEYOR AT THE CLIENT'S REQUEST).
2. LINES SHOW UNDERGROUND UTILITIES (EASEMENTS, FOUNDATIONS AND/OR SUBSISTANCE STRUCTURES) WERE NOT LOCATED BY THIS SURVEY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF VEY LINE OF FIRST STREET, AS BEING S 85°33'30\"/>

LEGAL DESCRIPTION:
THE SOUTH 16 FEET OF LOTS 9 AND 10; AND THE NORTH 8 FEET OF PLATTED ALLEY; AND THE NORTH 35 FEET OF LOTS 4 AND 5; AND THE SOUTH 8 FEET OF PLATTED ALLEY, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; AND THE NORTH 43 FEET OF THE SOUTH 85 FEET OF LOTS 4 AND 5, BLOCK 38, NEPTUNE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
IAN MCKILLOP AND ABBEY
MCKILLOP AND ADAM RIGEL AND
AMANDA RIGEL

CLIENT NO: N/A
JOB NO: 45600
FIELD DATE: 7/29/2020
APPROVED BY: J.S.
CHECKED BY: M.P.
DRAWN BY: M.P.
DRAWN DATE: 10/09/20

I HEREBY CERTIFY THAT THE SURVEY OF THE HERON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 51-17.030 THROUGH 51-17.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

CERTIFIED BY: JON SHORRMAKER P.S.M. NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. 470978 THE MONROE, FL 32747
407.951.3425 (OFFICE) 407.238.5453 (FAX); LB 7564
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
DATE SIGNED: 10/09/20

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HERON APPEARS TO BE LOCATED IN ZONE X(BFE N/A), PER FIRM MAP NUMBER 12031C0609, DATED 11/02/2018.
THIS SURVEYOR MAKES NO GUARANTEES AS THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL FIRM AGENT SHOULD BE CONTACTED FOR VERIFICATION.

City of Neptune Beach

Kristina L. Wright, FRA-RA, Community Development Director
116 First Street • Neptune Beach, Florida 32266-6140



MEMORANDUM

TO: Community Development Board

FROM: Kristina L. Wright, FRA-RA, Community Development Director

DATE: October 7, 2020

SUBJECT: Ordinance 2020-11 Microblading and Permanent Cosmetic Artistry

Background

Ordinance 2020-11 Microblading and Permanent Cosmetic Artistry is a request to amend Chapter 27, Unified Land Development Regulations; Article IV, Land Use; Sections 27-226(i)(2)(f) and 27-226(i)(2)(e)-Allowable uses within zoning districts (add Microblading, Permanent Cosmetics, Micropigmentation and similar care services to be considered as tattoo artistry as regulated by FL 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental yet permitted use in the zoning district in which person services including beauty salons are a permitted use in C-2 and C-3 zoning districts) and Section 27-15-Definitions adding definition of microblading and permanent cosmetics.

Summary:

There is demand within the community to provide microblading and permanent cosmetic artistry at beauty salons and personal service establishments to best serve anyone who's quality of life would be enhanced by microblading and permanent cosmetic artistry. Currently, the LDC prohibits tattoo establishments, and the Florida Department of Health requires Microblading and permanent cosmetic artistry is considered a form of tattooing within the State of Florida. The practice of tattooing in Florida requires licensure as a tattoo artist and microblading must occur within a licensed tattoo establishment. As such, a text amendment to the LDC to allow a specific form or tattoo artistry that only includes microblading and permanent cosmetic artistry via Ordinance 2020-11 is necessary to provide the specific path forward to allow microblading within beauty establishments while continuing to prohibit establishment devoted to tattoos that are not restricted to microblading and permanent cosmetic artistry. As a result, the definitions have been amended to clarify this distinction within Appendix "B" and the allowable uses were updated within the Commercial-2 (C-2) and Commercial-3 (C-3) zoning districts as indicated within Appendix "A."

Staff Recommendation

Staff recommends approval of Ordinance 2020-11 Microblading and Cosmetic Artistry to allow a specific form of tattoo artistry that only includes microblading and permanent cosmetic artistry within the C-2 and C-3 Zoning Districts.

Recommended Motion

I move to approve Ordinance 2020-11 Microblading and Cosmetic Artistry to allow a specific form of tattoo artistry that only includes microblading and permanent cosmetic artistry within the C-2 and C-3 Zoning Districts.

CDB Minutes 10-14-2020

Proposed Ordinance 2020-11 Allowable Uses & Definitions for Microblading, Permanent Cosmetics, Micropigmentation and Similar Care Services as tattoo artistry

Proposed ordinance amending Chapter 27, Unified Land Development Regulations; Article IV, Land Use; Sections 27-226(i)(2)(f) and 27-226(j)(2)(e)-Allowable uses within zoning districts (add Microblading, Permanent Cosmetics, Micropigmentation and similar care services to be considered as tattoo artistry as regulated by FL 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental yet permitted use in the zoning district in which personal services including beauty salons are a permitted use in C-2 and C-3 zoning districts) and Section 27-15-Definitions adding definition of microblading and permanent cosmetics.

Kristina Wright, Community Development Director, explained that Ordinance 2020-11 Microblading and Permanent Cosmetic Artistry is a request to amend Chapter 27, Unified Land Development Regulations; Article IV, Land Use; Sections 27-226(i)(2)(f) and 27-226(i)(2)(e)-Allowable uses within zoning districts (add Microblading, Permanent Cosmetics, Micropigmentation and similar care services to be considered as tattoo artistry as regulated by FL 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental yet permitted use in the zoning district in which person services including beauty salons are a permitted use in C-2 and C-3 zoning districts) and Section 27-15-Definitions adding definition of microblading and permanent cosmetics.

There is demand within the community to provide microblading and permanent cosmetic artistry at beauty salons and personal service establishments to best serve anyone who's quality of life would be enhanced by microblading and permanent cosmetic artistry. Currently, the LDC prohibits tattoo establishments, and the Florida Department of Health requires Microblading and permanent cosmetic artistry is considered a form of tattooing within the State of Florida. The practice of tattooing in Florida requires licensure as a tattoo artist and microblading must occur within a licensed tattoo establishment. As such, a text amendment to the LDC to allow a specific form or tattoo artistry that only includes microblading and permanent cosmetic artistry via Ordinance 2020-11 is necessary to provide the specific path forward to allow microblading within beauty establishments while continuing to prohibit establishment devoted to tattoos that are not restricted to microblading and permanent cosmetic artistry. As a result, the definitions have been amended to clarify this distinction within Appendix "B" and the allowable uses were updated within the Commercial-2 (C-2) and Commercial-3 (C-3) zoning districts as indicated within Appendix "A."

Chairperson Goodin opened the floor for public comments.

Cheryl Diss, 12651 Enchanted Hollow Drive Jacksonville, spoke about the need to microblading for cancer patients. She is the owner of All About You Cosmetics and does microblading for cancer patients. It helps to rebuild their confidence. They can feel good about themselves.

Elizabeth Smith, 1225 Atlantic Blvd Neptune Beach, franchise owner for My Salon Suites stated that My Salon Suites has 35 individual suites and is the largest in Florida. We have added a small area which has been designated as a quiet zone. There are a lot of women out there know have gone through chemotherapy and everything changes. Your skin changes and hair change

and falls out sometimes not to return or it comes back gray and wiry. We appreciate your consideration.

There being no further comments, the floor was closed.

Made by Randolph, seconded by Dill .

MOTION: TO RECOMMEND APPROVAL TO CITY COUNCIL FOR PROPOSED ORDINANCE 2020-11 FOR ALLOWABLE USES & DEFINITIONS FOR MICROBLADING, PERMANENT COSMETICS, MICROPIGMENTATION AND SIMILAR CARE SERVICES AS TATTOO ARTISTRY AS SUBMITTED.

Roll Call Vote:

Ayes: 6-Randolph, Schwarzenberger , Livingston, Frosio, Dill,
Goodin

Noes: 0

MOTION APPROVED.

The applicants were informed this would be forwarded to City Council and that two reads would be required. The next Council meeting would be on November 2, 2020 at 6:00 pm and that they are welcome to attend that meeting.

INTRODUCED BY:
VICE MAYOR JONES



ORDINANCE NO. 2020-11

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT CODE; ARTICLE IV, LAND USE; AMENDING SECTION 27-226, ALLOWABLE USES WITHIN ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IV, Section 27-226, within the Unified Land Development Code, indicates general specifics allowable uses within zoning districts; and

WHEREAS, services such as microblading, permanent cosmetics, micropigmentation, and similar care services provide options for individuals who may suffer hair loss or other medical conditions; and

WHEREAS, the City Council of the City of Neptune Beach has determined that such practices may be inadvertently prohibited by the terms of the Code of Neptune Beach; and

WHEREAS, the City Council desires to clarify such matters to permit such practices; and

WHEREAS, said proposed ordinance amendment establishes microblading, permanent cosmetics, micropigmentation, and similar care services to be considered as tattoo artistry as regulated by F.S. 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code, yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental, yet permitted use in zoning district in which personal services, including beauty salons, are a permitted use (C-2 and C-3 Zoning Districts); and

WHEREAS, Section 27-226(i)(2)(f) establishes microblading and permanent cosmetics as a permitted use within the Commercial-2 (C-2) zoning district; and

WHEREAS, Section 27-226(j)(2)(e) establishes microblading and permanent cosmetics as a permitted use within the Commercial-3 (C-3) zoning district; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Sections 27-226(i)(2)(f) and 27-226(j)(2)(e) Permitted Uses shall be amended per Appendix A: Section 27-226(i)(2)(f) and 27-226(j)(2)e Permitted Uses within the Commercial-2 (C-2) and Commercial-3 (C-3) Zoning Districts, respectively.

Section 2. Section 27-15 Definitions shall be amended per Appendix B: Section 27-15 Definition of “Microblading and Permanent Cosmetics.”

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

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	YES

Passed on First Reading this 2nd day of November, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this ____ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney

Appendix A
(Ord. No. 2020-11)

Sec. 27-226. - Allowable uses within zoning districts.

- (a) All uses shall conform to the standards for each zoning district as provided below. However, because the list of permissible uses is not exclusive, those uses not listed, and which may not be interpreted by the city manager or designee to be similar to any other listed use, shall be prohibited.
- (b) *Conservation (CON)*:
 - (1) *Intent*. The CON zoning district is intended to provide for protection for environmentally sensitive lands.
 - (2) *Permitted uses*. The uses permitted within the CON zoning district shall be:
 - a. Single-family residence by special exception;
 - b. Docks;
 - c. Retaining walls.
- (c) *Residential-1 (R-1)*:
 - (1) *Intent*. The R-1 zoning districts are intended to provide for single-family residences. This district corresponds to the residential low-density designation on the adopted future land use map.
 - (2) *Permitted uses*. The uses permitted within the R-1 zoning district shall be:
 - a. Single-family residence;
 - b. Public park/recreation area;
 - c. Family day care home, as defined by F.S. §§ 402.26—402.319;
 - d. Accessory structures and uses as defined by article V.
 - (3) *Uses by special exception*. The uses permitted by special exception within the R-1 zoning district shall be:
 - a. Government uses, buildings and utilities;
 - b. Elementary, junior and high schools;
 - c. Worship facility and child care associated with facility.
- (d) *Residential-2 (R-2)*:
 - (1) *Intent*. The R-2 zoning districts are intended to provide for single-family residences. This district corresponds to the residential low-density designation on the adopted future land use map.
 - (2) *Permitted uses*. The use permitted within the R-2 zoning district shall be:
 - a. Single-family residence;
 - b. Public park/recreation area;
 - c. Family day care home, as defined by F.S. §§ 402.26—402.319;
 - d. Accessory structures and uses as defined by article V.

Appendix A
(Ord. No. 2020-11)

- (3) *Uses by special exception.* The uses permitted by special exception within the R-2 zoning district shall be:
 - a. Government uses, buildings and utilities;
 - b. Elementary, junior and high schools;
 - c. Worship facility and child care associated with facility.
- (e) *Residential-3 (R-3):*
 - (1) *Intent.* The R-3 zoning districts are intended to provide for single-family residences. This district corresponds to the residential low-density designation on the adopted future land use map.
 - (2) *Permitted uses.* The use permitted within the R-3 zoning district shall be:
 - a. Single-family residence;
 - b. Public park/recreation area;
 - c. Family day care home, as defined by F.S. §§ 402.26—402.319;
 - d. Accessory structures and uses as defined by article V.
 - (3) *Uses by special exception.* The uses permitted by special exception within the R-3 zoning district shall be:
 - a. Government uses, buildings and utilities;
 - b. Elementary, junior and high schools;
 - c. Worship facility and child care associated with facility.
- (f) *Residential-4 (R-4):*
 - (1) *Intent.* The R-4 zoning districts are intended to provide for single-family and two-family residences with densities not to exceed ten (10) dwelling units per acre. This district corresponds to the residential medium-density designation on the adopted future land use map.
 - (2) *Permitted uses.* The uses permitted within the R-4 zoning district shall be:
 - a. Single-family residence;
 - b. Two-family residence (minimum lot size eight thousand seven hundred twelve (8,712) square feet);
 - c. Public park/recreation area;
 - d. Family day care home, as defined by F.S. §§ 402.26—402.319;
 - e. Accessory structures and uses as defined by article V.
 - (3) *Uses by special exception.* The uses permitted by special exception within the R-4 zoning district shall be:
 - a. Government uses, buildings and utilities;
 - b. Elementary, junior and high schools;

Appendix A
(Ord. No. 2020-11)

c. Worship facility and child care associated with facility.

(g) *Residential-5 (R-5):*

(1) *Intent.* The R-5 zoning districts are intended to provide for single-family residences, two-family residences and multifamily residences with densities not to exceed seventeen (17) dwelling units per acre. This district corresponds to the residential high density on the adopted future land use map.

(2) *Permitted uses.* The uses permitted within the R-5 zoning district shall be:

- a. Single-family residence;
- b. Two-family residence;
- c. Multifamily residence;
- d. Public park/recreation area;
- e. Family day care home, as defined by F.S. §§ 402.26—402.319;
- f. Accessory structures and uses as defined by article V.

(3) *Uses by special exception.* The uses permitted by special exception within the R-5 zoning district shall be:

- a. Government uses, buildings and utilities;
- b. Elementary, junior and high schools;
- c. Worship facility and child care associated with facility;
- d. Adult day care;
- e. Child day care;
- f. Nursing home;
- g. Adult congregate living facility.

(h) *Commercial-1 (C-1):*

(1) *Intent.* The C-1 zoning districts are intended to provide for office and professional services. This district corresponds to the commercial low designation on the adopted future land use map.

(2) *Permitted uses.* The uses permitted within the C-1 zoning district shall be:

- a. Business and professional offices including, architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
- b. Financial institution, insurance and real estate offices;
- c. Travel agencies;
- d. Photographic studios;
- e. Public park/recreation area;
- f. Accessory structures and uses as defined by article V.

Appendix A
(Ord. No. 2020-11)

- (3) *Uses by special exception.* The uses permitted by special exception within the C-1 zoning district shall be:
- a. Day spa;
 - b. Parking lot (not associated with any business);
 - c. Government uses, buildings and utilities;
 - d. Elementary, junior and high schools;
 - e. Dance, art, dramatic, gymnastics and music studio;
 - f. Worship facility and child care associated with facility;
 - g. Social, fraternal club, lodge and union hall;
 - h. Library, museum and art gallery.

(i) Commercial-2 (C-2):

- (1) *Intent.* The C-2 zoning districts are intended to provide for retail sales and service for one (1) or more neighborhoods. This district corresponds to the commercial medium designation on the adopted future land use map.
- (2) *Permitted uses.* The uses permitted within the C-2 zoning district shall be:
- a. Interior service restaurant, carry-out and delivery restaurant;
 - b. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
 - c. Financial institution, insurance and real estate offices;
 - d. Travel agencies;
 - e. Retail sales, shopping center, wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store and pharmacy;
 - f. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services including microblading and permanent cosmetics as a specific form of allowable tattoo artistry (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);
 - g. Dance, art, dramatic, gymnastics and music studio;
 - h. Library, museum and art gallery;
 - i. Public park/recreation area;
 - j. Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility);
 - k. Radio and television broadcasting studio;

Appendix A
(Ord. No. 2020-11)

- l. Accessory structures and uses as defined by article V;
 - m. Nursing home;
 - n. Adult congregate living facilities;
 - o. Funeral establishment;
 - p. Medical marijuana treatment center.
- (3) *Uses by special exception.* The uses permitted by special exception within the C-2 zoning district shall be:
- a. Planned unit development (PUD);
 - b. Outdoor seating/dining for restaurant, fast-food restaurant, drive-thru service window for a restaurant;
 - c. Retail sales with drive-thru service window;
 - d. Motor vehicle service;
 - e. Parking lot (not associated with any business);
 - f. Moving business (no mini-warehouses);
 - g. Government uses, buildings and utilities;
 - h. Recycling collection center;
 - i. Elementary, junior and high school, trade business or vocational school, college, community college or university;
 - j. Worship facility and child care associated with facility;
 - k. Social, fraternal club, lodge and union hall;
 - l. Recreation, amusement and entertainment (including, theater, night club, private club and bar/tavern);
 - m. Light manufacturing;
 - n. Day care facilities.

(j) Commercial-3 (C-3):

- (1) *Intent.* The C-3 zoning districts are intended to provide for retail sales and service that serve the overall community. This district corresponds to the commercial high designation on the adopted future land use map.
- (2) *Permitted uses.* The uses permitted within the C-3 zoning district shall be:
- a. Hospital;
 - b. Hotel/motel;
 - c. Interior service restaurant, carry-out and delivery restaurant;
 - d. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or

Appendix A
(Ord. No. 2020-11)

supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;

- e. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services including microblading and permanent cosmetics as a specific form of allowable tattoo artistry (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);
 - f. Retail sales, shopping center wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store, pharmacy;
 - g. Parking lot (not associated with any business);
 - h. Trade business or vocational school, college, community college or university;
 - i. Dance, art, dramatic, gymnastics and music studio;
 - j. Library, museum and art gallery;
 - k. Public park/recreation area;
 - l. Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility, theater, night club, private club and bar/tavern);
 - m. Radio and television broadcasting studio;
 - n. Accessory structures and uses as defined by article V;
 - o. Nursing home;
 - p. Adult congregate living facility;
 - q. Funeral establishment;
 - r. Medical marijuana treatment center.
- (3) *Uses by special exception.* The uses permitted by special exception within the C-3 zoning district shall be:
- a. Planned unit development (PUD);
 - b. Outdoor seating/dining for restaurant, fast-food restaurant, drive-thru service window for a restaurant;
 - c. Wholesale sales (on-site storage of stock);
 - d. Adult entertainment and service;
 - e. Retail sales with drive-thru service window;
 - f. Bus or other transportation terminal;
 - g. Motor vehicle services;

Appendix A
(Ord. No. 2020-11)

- h. Moving business (no mini-warehouses);
- i. Government uses, buildings and utilities;
- j. Recycling collection center;
- k. Worship facility and child care associated with facility;
- l. Social, fraternal club, lodge and union hall;
- m. Light manufacturing;
- n. Day care facilities.

(k) *Central business district (CBD):*

- (1) *Intent.* The CBD zoning district is intended to allow a mix of commercial uses and compatible residential uses that will encourage an urban intensive, pedestrian oriented, neighborhood ambiance. The CBD is further established to encourage the continuation of the present unique Central Business District of Neptune Beach, as well as, the continuation of its present aesthetically pleasing environment, to provide areas for the concentration of compatible land uses, to provide sufficient space for appropriate commercial, miscellaneous service activities and residences which will strengthen the city's economic base, and to prevent the intrusion of objectionable land uses.
- (2) *Permitted uses.* The uses permitted within the CBD zoning district shall be:
 - a. Hotel/motel;
 - b. Bed and breakfast;
 - c. Interior service restaurant;
 - d. Professional offices (including, architects, accountants, doctors, dentists, home health care services, legal services, realtors, veterinary clinic);
 - e. Retail sales, wholesale sales (including on-site storage of stock), package liquor store, and pharmacy;
 - f. Dry cleaner;
 - g. Government uses, buildings and utilities;
 - h. Dance, art, dramatic, gymnastics and music studio;
 - i. Library, museum and art gallery;
 - j. Public park/recreation area;
 - k. Recreation, amusement and entertainment (including, billiard and pool hall, arcade, miniature golf, theater, night club, private club and bar/tavern);
 - l. Accessory structures and uses as defined by article V.
- (3) *Uses by special exception.* The uses permitted by special exception within the CBD zoning district shall be:
 - a. Single-family, two-family and multifamily residences;

Appendix A
(Ord. No. 2020-11)

- b. Child day care;
- c. Outdoor seating/dining for restaurant, fast-food restaurant, drive-thru service window for a restaurant;
- d. Day spa;
- e. Retail furniture and/or applicant;
- f. Retail sales with drive-thru service window;
- g. Parking lot (not associated with any business);
- h. College, community college or university;
- i. Worship facility and child care associated with facility;
- j. Social, fraternal club, lodge and union hall;
- k. Indoor athletic and exercise facility.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-18, 12-6-2004; Ord. No. 2011-13, § 1, 9-12-11; Ord. No. 2016-07 , § 3, 7-6-16; Ord. No. 2017-32 , § 3, 1-8-18; Ord. No. 2018-04 , § 1, 6-4-18)

**Appendix B
(Ord. No. 2020-11)**

Section 27-15. Definitions.

....

Medical/dental clinic means any establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a person or persons affiliated with a group practicing various specialties of the healing arts, whether the persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

Medical marijuana treatment center means an establishment as defined and further set forth in F.S. § 381.986(8), that operates for the purpose of dispensing medical marijuana, as defined and further set forth in F.S. § 381.986.

Microblading and Permanent Cosmetics means the practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture a person's skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for re-pigmentation. This category of services does not include other forms of body art such as body piercing or the adornment of the body with letters, images, drawings, or other illustrations. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-term/long lasting makeup.

Mini-warehouse means any personal storage building which is subdivided by permanent partitions into spaces with an exterior independent entrance under the exclusive control of the tenant thereof.

Minor arterial (section 27-475) means a roadway that connects and supports the principal arterial road system. Although its main function is still traffic movement, it performs this function at a lower level and places more emphasis on property access than does the principal arterial.

Minor deviation means a deviation from a final development plan that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process, including the following:

- (1) Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
- (2) Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

Minor replat means the subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Modular home means a dwelling unit constructed in accordance with applicable building codes and that is substantially constructed in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

Motor vehicle service means a building or lot where battery, tires and other repair services except body work or painting are rendered.

Moving and storage facility means any establishment that stores material not owned by the operator of the establishment to include mini-warehouses.

Multifamily means any building containing three (3) or more dwelling units.

Multiple occupancy complex means any commercial use consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

.....

City of Neptune Beach

John Ruley Fire Marshal
116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 ext. 4 • FAX (904) 270-2417



STAFF REPORT

To: Stefen Wynn
From: John Ruley, Fire Marshal
Date: November 10, 2020
Re: Ordinance Change for Commercial Fire Inspections with fees

Good Afternoon

Attached is the ordinance amending and restarting Chapter 10 (Fire Prevention and Protection); amending Section 10-1 and creating new sections 10-2 through 10-38;

This document amends the current Chapter 10 Fire Prevention and Protection that was last visited in 1995. The ordinance places us current with the Florida Statute 633; and the adoption of the Florida Fire Prevention Code, and reference code identified within.

There are 3 important section that are added; section 10-27, Fees for permits and certifications, etc; here we establish a fee schedule for commercial Plan Review, and other permits not listed in the Florida Fire Prevention Code.

Section 10-28 and 29.

Section 10-28 establishes a fee for the Fire Marshal to provide a fire inspection of all new businesses within the city and the fee shall be accompany each local business tax receipt. This fee is \$50.00.

Section 10-29, provided for a Periodic Inspection Requirement, this requires that the Fire Marshal inspect all commercial premises on an annual basis this portion of the inspection is \$50.00. Part 2 of this section, includes a Pre-Fire Plan (Which is not a code enforcement inspection) this inspection and report will include sketches, and photos that will be forwarded to the structural firefighting crews, and will be used in the event of a fire. This pre-fire plan fee is 65.00.



**INTRODUCED BY:
MAYOR BROWN**

ORDINANCE NO. 2020-14

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING AND RESTATING CHAPTER 10 (FIRE PREVENTION AND PROTECTION); AMENDING SECTION 10-1 AND CREATING NEW SECTIONS 10-2 THROUGH 10-38; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, Chapter 633, Florida Statutes, grants political subdivisions, including municipalities, certain rights regarding enforcement of the Florida Fire Prevention Code and local options regarding same; and

WHEREAS, in order to protect the residents and property within the City of Neptune Beach, it is necessary provide further clarification of the rights and authority of the City under the Florida Fire Prevention Code; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Amending and Restating Chapter 10. Fire Prevention and Protection. Amending Section 10-1 and creating New Sections 10-2 through 10-38, Chapter 10 (Fire Prevention and Protection), City of Neptune Beach Code of Ordinances as follows:

Chapter 10

FIRE PREVENTION AND PROTECTION ^[1]

Footnote:

--- [1] ---

State Law reference – Florida Fire Prevention Code, FS 633; open burning, F.S. § 590.125.

The total fee for this annual inspection will be 115.00 per commercial occupational license. (Home Offices License at single family home are exempt) Fees will be attached to the annual tax receipt for the business.

Attached in the packet are the following documents:

- A copy of the ordinance
- ISO Insurance Services Office, information
- What does the City need to do to keep the ISO Public Protection Class 1 Rating?
- What gives the City the Authority to charge Fire Inspection Fees
- Fire Fee Comparison

I am open for discussion as necessary.

Respectfully,

John Ruley, Fire Marshal

Article 1. - IN GENERAL

Sec. 10.1 Burning Trash or underbrush.

- (a). No person shall burn off or set fire to underbrush, trash or rubbish on any property within the city without first obtaining authorization from the Fire Marshal for such purpose.
- (b). No authorization shall be granted hereunder until the person applying for same satisfy the city manager or their designee in writing that sufficient resources will be present to keep the fire under control and to prevent any damage to adjoining property.
- (c). Any authorization granted hereunder may be rescinded by the city manager or their designee when it shall appear imminent that loss of control of fire, damage to property, or danger to health or safety is about to occur or there is, in the city manager or their designee's discretion, otherwise a significant risk of loss of control of fire, damage to property, or danger to health or safety.

~~Sec. 10-2 – 10-21. – Reserved~~

~~Sec. 10.1 Fire prevention code, life safety code adopted.~~

- ~~(a) — The Standard Fire Prevention Code, 1994 Edition, adopted and published by Southern Building Code Congress International, Inc, 900 Montclair Road, Birmingham, Alabama, is hereby adopted, except any penalties contained therein, by reference, and the same is made a part hereof as if set out herein in full, save and except as hereinafter deleted, amended or modified in this chapter.~~
- ~~(b) — The Code for Safety to Life from Fire in Building and Structures, 1998 Edition, adopted and published by the National Fire Protection Association, is hereby adopted, except any penalties contained therein, by reference, and the same is made a part hereof as if set out herein in full, save and except as hereinafter deleted, amended or modified in this chapter.~~
- ~~(c) — In the event of a conflict between the provisions of the Standard Fire Prevention Code or the Life Safety Code adopted by reference in this section and the provision of this Code, the provisions of this Code shall prevail.
(Code 1959, & 10-1; Ord. No. 1993-5, & 1, 6-21-93; Ord. No. 1995-08 & 4, 12-4-95)~~

ARTICLE II. – FIRE PREVENTION CODE [2]

Footnote:

--- [2] ---

Cross reference— Buildings and building regulations, Ch. 8; location of fire hydrants in subdivisions, § 19-52; property insurance tax used for firemen's relief and pension fund, § 21-71 et seq.

State Law reference – Florida Fire Prevention Code, FS 633.

Sec. 10.22 - Adopted.

This article shall be known as the City of Neptune Beach Fire Prevention Code. There is hereby adopted the most current version of the Florida Fire Prevention Code and the same is hereby adopted and incorporated as fully as if set out at length herein. It is the intent of this section that, when the state legislature or the state fire marshal amends the Florida Fire Prevention Code, then those amendments shall automatically become effective within the city without further action of the city council.

Sec. 10.23 – Application.

The provisions of the City of Neptune Beach Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

Sec. 10.24 – Administration and enforcement

- (a). The fire marshal or their designee of the city shall be responsible for the enforcement of the City of Neptune Beach Fire Prevention Code.
- (b). Fire Marshal. The fire marshal shall mean the person retained by the city to be responsible for the direct administration and enforcement of the City of Neptune Beach Fire Prevention Code as may be set forth by the city manager.
- (c). Qualification of fire marshal. The fire marshal shall be appointed on the basis of examination or other method for determining qualifications. The fire marshal shall be a person certified as having met the fire safety inspection training requirements set by the state fire marshal.
- (d). Technical inspectors. The fire marshal may also designate such number of technical inspectors as shall from time to time be needed. These technical inspectors must be certified as a firesafety inspector pursuant to F.S. § 633.216 and may conduct fire safety inspections.
- (e). Duties of officers. It shall be the duty of the fire marshal as may be designated by the city manager to enforce all laws and ordinances of the city, covering the following:
 - (1) The prevention of fires.
 - (2) The storage, sale and use of combustible, flammable or explosive materials.
 - (3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment.
 - (4) The maintenance and regulation of fire escapes.

- (5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose.
- (6) The investigation of the cause, origin, and circumstances of fire.
- (7) The maintenance of fire cause and loss records. Such officers shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law.
- (f) Instructions *and forms*. The fire marshal shall prepare instructions for and forms for their use in the reports required by this article.

Sec. 10.25. - Records to be kept.

The fire marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, and statistics as to the extent of such fires and the damage caused thereby, and whether such losses are covered by insurance, and, if so, in what amount. Such record shall be made following each incident and filed with the National Fire Incident Reporting System (NFIRS) from the reports made by the fire officers under the provisions of this article. All such records shall be public.

Sec. 10-26. - Amending code; recommendations.

The fire marshal shall also recommend any amendments to the City of Neptune Beach Fire Prevention Code.

Sec. 10-27. - Fees for permits, certificates, etc.

- (a) Fees shall be established by the council for the permits, certificates, approvals, and other functions performed under the City of Neptune Beach Fire Prevention Code and shall be payable to the city. Such fees shall accompany each application for such permit, approval, certificate, or other fee-related provision.
- (b) Plan review fee schedule.

Task	Fee
New Construction Plan Review	45% of building permit fee
First resubmittal	\$0.00
Second resubmittal	\$0.00
All resubmittals after second	\$75.00 each
Plan review of fire sprinkler system (up to 50 heads)	\$75.00
Each additional head over 50	\$1.00 per head

Plan review of fire standpipe or fire pumps	\$75.00
Plan review of fire alarm up to 10 devises (including fire alarm control panel) Each additional device over 10	\$75.00 \$1.25 per device
Plan review of fire suppression systems	\$75.00 per system
Plan review of emergency generator systems	\$75.00 per system
Plan review of grease hoods and light test	\$75.00 per system
Plan review private fire mains & hydrants with visual & flushing	\$125.00
Plan review of new aboveground & underground tanks	\$125.00
Plan review of removal for fuel tank	\$25.00 per tank
Plan review of paint booth & fire suppression system	\$25.00 per system
Plan review of emergency generator system	\$25.00 per system
Plan review & Inspection for Med-Gas/Med-Gas Storage and/or similar processes where the knowledge or experience of the Authority Having Jurisdiction (AHJ) is limited. For purposes of this provision, the AHJ refers to the City ¹	\$65.00
Permit for tent or membrane structure used for cooking, Christmas tree sales, sales of fireworks or sparklers,	\$50.00

¹ The City is permitted to require a review by an approved independent third party with expertise in the matter to be review at the submitter's expense. The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the City. The City shall be authorized to require design submittals to bear the stamp of a registered design professional. The City shall make the final determination as to whether the provisions of the Fire Code have been met.

or public gatherings of any kind (200 square feet or larger)	
Any other permit required by the Florida Fire Prevention Code not listed above	\$50.00

- (c.) Plan review resubmittal fee, 1st resubmittal no charge, 2nd resubmittal \$100.00, 3rd resubmittal 4-times original permit fee.

Sec. 10-28. - New Local Business Tax Receipt Inspection.

A Fee shall be established by the council for fire inspection of all new commercial business within the city. Approvals, and other functions performed under this City of Neptune Beach Fire Prevention Code and shall be payable to the city. Such fees shall accompany each local business tax receipt and shall be \$50.00. (Home Office License at homes are exempt)

Sec. 10-29. - Periodic inspections required.

The fire marshal shall inspect or cause to be inspected all commercial premises on an annual basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire. The fee for each such inspection shall be \$50.00.

This inspection will include a fire pre-plan (which is not a code enforcement inspection) that will include sketches and photos and will be forwarded to the structural fire crews to be used in the event of a fire. The fee for each such inspection shall be \$65.00.

The total fee for this annual inspection will be \$115.00 per commercial occupational license. (Home Office License at homes are exempt)

The fee shall be attached to the annual tax receipt for the business.

Reinspection/un-prepared site , 1st re-inspection \$50.00, Each additional re-inspection \$100.00.

Sec. 10-30. - Dangerous conditions.

- (a) Whenever the fire marshal or technical inspector shall find in any building, or upon any premises, dangerous or hazardous conditions or materials as follows, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke.

- (1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;
 - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using explosive or otherwise hazardous materials;
 - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials;
 - (4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts;
 - (5) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
 - (6) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
- (b) Whenever the fire marshal deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this article, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property, a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by order of such fire marshal or his duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

Sec. 10-31. - Service of orders.

The service of orders for the correction of violations of this article shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of the premises such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order by sending such copy by certified or registered mail to the owner's last known post office address.

Sec. 10-32. - Right of entry.

- (a) To the full extent permitted by law, the fire marshal, engaged in fire prevention and inspection work, is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, the fire marshal shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, "emergency" means circumstances that the fire marshal knows, or has reason to believe, exist, and that reasonably may constitute immediate danger to life and property.
- (b) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles, and premises as herein set forth shall be identified by proper credentials issued by the city.
- (c) It shall be unlawful for any person to interfere with the fire marshal carrying out any duties or functions prescribed by this article.
- (d) It shall be unlawful for any unauthorized person to use an official badge, uniform, or other credentials to impersonate a fire marshal for the purpose of gaining access to any building, structure, marine vessel, vehicle, or premises in this jurisdiction.
- (e) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the fire marshal for the purpose of inspections pursuant to the chapter.

Sec. 10-3.09. - Authority to require exposures or stop work.

- (a) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the fire marshal may require by written notice that such work be exposed for inspection. The fire marshal shall be notified when the installation is ready for inspection and the fire marshal shall conduct the inspection within a reasonable period of time.
- (b) When any construction or installation work is being performed in violation of the plans and specifications as approved by the fire marshal, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

Sec. 10-33. - Appeals.

- (a) Any person aggrieved by an order issued under this article may appeal such order by submitting a written request for a hearing before the city's special magistrate. Such request must be submitted to the city clerk within thirty (30) days of entry of the subject order. Such request shall set forth:

- (1) The provisions of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code from which relief is sought;
 - (2) A statement indicating which of the following grounds such person bases their appeal:
 - a. The true intent of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code has been incorrectly interpreted;
 - b. The provisions of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code do not fully apply; or
 - c. A decision is unreasonable or arbitrary under the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code.
 - (3) Justification as to the applicability of the grounds cited in (2) above;
 - (4) A requested remedy; and
 - (5) Justification for the requested remedy stating specifically how the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code are complied with, public safety is secured, and firefighter safety is secured.
- (b) In the event of a conflict between the Building Code as established in Chapter 8 of the Code of Ordinances of the city, and this article, it shall be resolved in accordance with F.S. § 553.73. Nothing in this section shall be construed so as to limit a person's right to an interpretation of the Florida Fire Prevention Code as provided in F.S. § 633.104 and F.A.R. 69A-60.011, as amended from time to time.

Sec. 10-34. - Summary abatement.

- (a) The fire marshal shall have the authority to summarily abate any condition that is in violation of any provision of this chapter and that presents an immediate hazard to life or property.
- (b) When, in the opinion of the fire marshal, there is actual danger to the occupants or those in proximity of any building, structure or premises because of unsafe structural conditions or inadequacy of any exitway, the presence of explosives, explosive fumes or vapors, flammable liquids, vapors, gases or materials, the fire marshal may order the immediate evacuation of such building, structure or premises and no one shall enter or reenter until authorized to do so by the fire marshal. In addition, the fire marshal may order the disconnection of electric and gas utility services from such building, structure or premises and no one shall reconnect such utility services until authorized to do so by the fire marshal.

Sec. 10-35. - Penalties and other remedies for violations.

- (a) Failure to comply with any provision of this article or any lawful order of the fire marshal shall constitute a misdemeanor of the second degree, punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not

more than ten (10) days, or by both a fine and imprisonment. Each day that a violation continues shall be a separate offense.

- (b) The city may institute injunction, mandamus or any other appropriate actions or proceeding at law or in equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.
- (c) The city may enforce this chapter using the proceedings set forth in Chapter 2 Administration, Article VII, of the Code of Ordinances, City of Neptune Beach, Florida.

Sec. 10-36. - Authority to investigate fires.

- (a) The fire marshal shall investigate the cause, origin and circumstances of each and every fire occurring in the city involving the loss of life or injury to persons, or destruction or damage to property. A written report shall be made of all facts and findings relative to each fire investigation.
- (b) If it appears that the fire is of suspicious origin, the fire marshal shall immediately notify the police department and shall assist the police department as necessary in its investigation.

Sec. 10-37. - Key vault requirement.

The fire marshal may require the installation and maintenance of a key vault security system in such buildings or structures where security precautions and protective devices may unreasonably delay the entry of the fire department in time of emergency.

Sec. 10-38. - Construction of article.

This article shall be deemed an exercise of the police powers of city for the preservation and protection of the public health, peace, safety, and welfare and all the provisions of the City of Neptune Beach Fire Prevention Code shall be liberally construed for that purpose. All provisions of this City of Neptune Beach Fire Prevention Code are intended to comply with the Florida Fire Prevention Code and any provision in conflict which cannot be reconciled shall be severed, without impact to any other provisions of this chapter.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this _____ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and correctness:

Zachary Roth, City Attorney

ISO Insurance Services Office

Origins of Public Protection Grading

In the early 1900s, major U.S. cities suffered disastrous fires that destroyed billions of dollars' worth of property. In the aftermath, insurance companies realized they needed advance information on the fire loss characteristics of individual communities.

The National Board of Fire Underwriters (NBFU) had been established in 1866 to promote fire prevention and public fire protection. After a number of conflagrations — including the great Baltimore fire of 1904, which claimed 140 acres, more than 70 blocks, and 1,526 buildings — the NBFU expanded its scope, developing the Municipal Inspection and Grading System. Under that program, engineers evaluated the fire potential of many cities. In response, those cities improved their public fire protection services.

Since 1909, the Municipal Inspection and Grading System and its successors have been an important part of the underwriting and rating process for insurers writing personal and commercial fire policies. ISO's Public Protection Classification (PPC®) Service now gives insurers credible data to help them develop premiums that fairly reflect the risk of loss in a particular location.

Benefits of the PPC Program for Communities

The Public Protection Classification (PPC®) program recognizes the efforts of communities to provide fire protection services for citizens and property owners. A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Insurance companies use PPC information to help establish fair premiums for fire insurance — generally offering lower premiums in communities with better protection. By offering economic benefits for communities that invest in their firefighting services, the program provides an additional incentive for improving and maintaining public fire protection.

The program also provides help for fire departments and other public officials as they plan, budget for, and justify improvements.

The most significant benefit of the PPC program is its effect on losses. Statistical data on insurance losses bears out the relationship between excellent fire protection — as measured by the PPC program — and low fire losses. PPC helps communities prepare to fight fires effectively.

How Does PPC Information Affect Individual Insurance Policies?

ISO's Public Protection Classification (PPC®) information plays an important part in the decisions insurers make affecting the underwriting and pricing of property insurance. In

fact, most U.S. insurance companies — including the largest ones — use PPC information in one or more of the following ways:

- to identify opportunities for writing new business
- to manage the quality of community fire protection across their book of business
- to review loss experience in various rating territories
- to offer coverages and establish deductibles for individual homes and businesses

Insurance companies — not ISO — establish the premiums they charge to policyholders. The methodology a company uses to calculate premiums for property insurance may depend on the company's fire loss experience, underwriting guidelines, and marketing strategy.

Here are some general guidelines to help you understand the benefits of improved PPC ratings for residents and businesses:

- PPC may affect the underwriting and pricing for a variety of personal and commercial insurance coverages, including homeowners, mobile home, fine arts floaters, and commercial property (including business interruption).
- Assuming all other factors are equal, the price of property insurance in a community with a good PPC is lower than in a community with a poor PPC.

Scope of the PPC Evaluation

The purpose of an ISO public protection survey is to gather information to determine a Public Protection Classification (PPC®), which insurers use for underwriting and to calculate premiums for fire insurance. The Fire Suppression Rating Schedule (FSRS) recognizes fire-protection features only as they relate to suppression of fires in structures.

In many communities, fire suppression may be only a small part of the fire department's overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community's fire service. We understand the complex decisions a community must make in planning and delivering emergency services. However, we evaluate only features related to reducing property losses from fire.

ISO's Community Outreach Program

ISO's Community Outreach Program is a way of identifying communities that have made changes that may affect their Public Protection Classification (PPC®) gradings.

Under the program, communities periodically receive a letter with a Community Outreach Questionnaire and a map of their fire jurisdiction. The letter asks community officials to complete the questionnaire. Upon receiving a community's questionnaire, ISO performs an analysis to determine whether the community has made significant

changes in its fire-suppression system. Based on that review of the changes, ISO may ask to conduct a survey and update the PPC.

Examples of significant changes include annexations or changes in the boundaries of a fire district, new or closed fire stations, water-system improvements, or changes in the way the community receives and handles fire alarms. Although such changes may not directly affect the classification, they may change which properties receive the benefit of the classification.

The PPC Evaluation Process

To determine a community's Public Protection Classification (PPC®), ISO conducts a field survey. Expert ISO staff visit the community to observe and evaluate features of the fire protection systems. Using our manual called the Fire Suppression Rating Schedule (FSRS), ISO objectively evaluates four major areas:

- **Emergency communications systems**
A review of the emergency communications systems accounts for 10 points of the total classification. The review focuses on the community's facilities and support for handling and dispatching alarms for structure fires.
- **Fire department**
A review of the fire department accounts for 50 points of the total classification. ISO focuses on a community's fire suppression capabilities. We measure suppression capabilities based on the fire department's first-alarm response and initial attack to minimize potential loss. Here, ISO reviews such items as engine companies, ladder or service companies, deployment of fire companies, equipment carried on apparatus, pumping capacity, reserve apparatus, company personnel, and training.
- **Water supply**
A review of the water supply system accounts for 40 points of the total classification. ISO evaluates the community's water supply system to determine the adequacy for fire suppression purposes. We also consider hydrant size, type, and installation, as well as the frequency and completeness of hydrant inspection and flow-testing programs.
- **Community risk reduction**
We review a community's risk reduction efforts and credit them in the Community Risk Reduction section, which allows for extra credit of up to 5.5 points for a potential total of 105.5. That takes into account fire prevention code adoption and enforcement, public fire safety education, and fire investigation.

After completing the field survey, ISO analyzes the data and calculates a PPC. The grading then undergoes a quality review. The community will receive a notification letter identifying the new PPC. ISO also provides a hydrant-flow summary sheet, along with a Public Protection Classification Summary Report. The summary explains each

subcategory and indicates the total points the community earned. The report also indicates the performance needed to receive full credit for each specific section in the schedule, as well as the quantity actually provided.

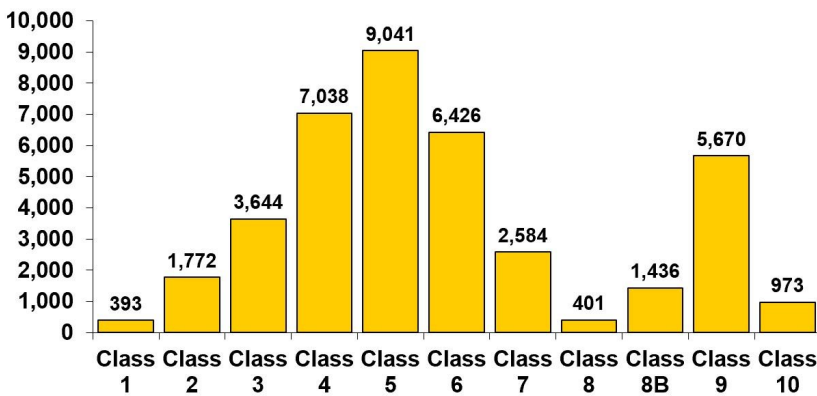
Facts and Figures about PPC Codes around the Country

This page has information describing the state of community fire protection in the United States. The information can help you benchmark your community's level of fire protection against other cities and towns in your state and the country as a whole.

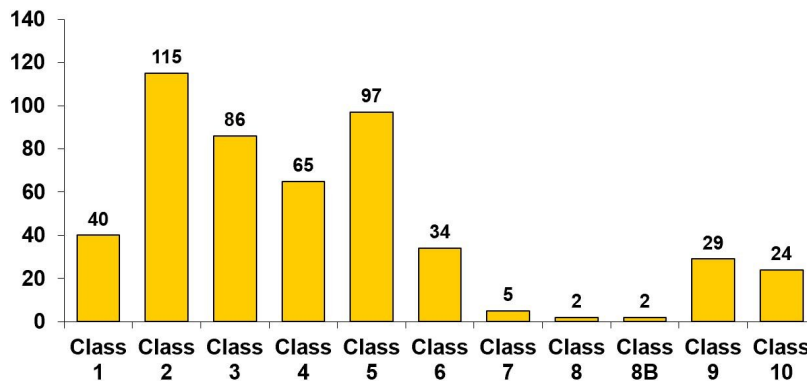
Distribution of Communities by PPC Class Number within Classification

Number within Classification

Countrywide



Florida



Scores and PPC Ratings

ISO's Fire Suppression Rating Schedule (FSRS) lists a large number of items a community should have to fight fires effectively and assigns credit points for each item. Using those credit points and various formulas, ISO calculates a total score on a scale of 0 to 105.5.

To receive certain Public Protection Classification (PPC®) ratings, a community must meet minimum criteria:

- minimum facilities and practices to get a PPC rating
- minimum criteria for Class 9
- minimum criteria for Class 8B
- minimum criteria for Class 8 or better

After a community meets those criteria, the PPC depends on the community's score on the 100-point scale: PPC Points

1. 90.00 or more
2. 80.00 to 89.99
3. 70.00 to 79.99
4. 60.00 to 69.99
5. 50.00 to 59.99
6. 40.00 to 49.99
7. 30.00 to 39.99
8. 20.00 to 29.99
9. 10.00 to 19.99
10. 0.00 to 9.99

(The above information was copied from the 2020 Insurance Service Office Inc, website)

What Does the City of Neptune Beach Need to provide to Jacksonville for them to Keep Class 1 Rating?

Jacksonville Fire & Rescue is the current provider of Emergency Fire and EMS response to the City of Neptune Beach. The City of Jacksonville currently has a Public Protection Class Rating of "Class 1" . Class 1 is the best you can get.

Jacksonville Fire Rescue does not provide the Water Supply or Community Risk Reduction information for The City of Neptune Beach. It would be the City of Neptune Beach's responsibility to provide to Jacksonville the Needed information for Water supply and Community Risk Reduction.

What is required for **Water Supply**:

During the water supply survey, an ISO field representative will interview the official responsible for the water department, water utility, or private water companies that supply the community. The representative will also:

- review various documents and records
- evaluate all pump facilities
- determine needed fire flow and hydrant test locations
- obtain hydrant flow-test results or hydraulic modeled flow-test data
- determine frequency of hydrant inspection and flow-testing programs
- examine representative hydrants

What is require for **Community Risk Reduction**:

This section gives procedures and formulas for evaluating:

- adoption and enforcement of fire prevention codes
- public fire safety education
- Fire Investigation Programs.

Community Risk Reduction Requirements

- For full credit in this section, a jurisdiction must adopt and enforce the latest edition of one of the nationally recognized fire prevention codes.

If a jurisdiction adopts and enforces state or local amendments that modify or delete provisions for fire hazard mitigation within a nationally recognized fire prevention code, the points available in this section are subject to proration.

If a jurisdiction adopts and enforces a local code or regulations not developed by a nationally recognized code organization, the points available in this section are subject to proration.

- **Frequency of Fire Prevention Inspections:**

- The jurisdiction must provide adequate personnel to perform fire prevention inspections on all nonresidential structures at least once a year.
- For the purposes of this section, pre-incident planning inspections — with no component for fire prevention code enforcement — are not fire prevention inspections. (This information would actually be provide to the fire suppression portion of the grading schedule)

FIRE PREVENTION PROGRAMS (PCP):

Evaluate the fire prevention programs.

Fire prevention programs include:

- plan review
- certificate of occupancy inspections
- quality control
- code compliance
- inspection of private fire protection equipment
- fire prevention ordinances
- coordination of fire department training and pre-incident planning

- **Fire Prevention Ordinances (PPO):**

The jurisdiction must adopt ordinances governing fire lanes, fireworks, hazardous material routes, barbecue grills, and the wildland-urban interface (WUI) or weeds and trash.

- **Residential Fire Safety Program (FSPR):**

Base the evaluation of the effectiveness of the residential fire safety program on the percentage of the entire community population reached annually.

- **Fire Safety Education in Schools (Private and Public, Early Childhood Education through Grade 12) (FSPS):**

1. Each school must conduct 1 fire exit drill, in accordance with the general criteria of NFPA 101, *Life Safety Code*, or the ICC International Fire Code each month that the campus is in session.
2. Each school must present developmentally appropriate classroom instruction on fire safety to all students in early childhood education.

- **Juvenile Firesetter Intervention Program**, will be handled by Jacksonville Fire Rescue

- **Fire Safety Education Program for Occupancies Having Large Loss Potential or Hazardous Conditions (FSPL):**

Evaluate the fire safety education in occupancies that have large loss potential or hazardous conditions as identified by the authority having jurisdiction.

Prorate the credit based on the percentage of the occupancies reached each year.

- **Fire Investigation Organization**

Fire Investigation will be handled by Jacksonville Fire Rescue

What Gives the City the Authority to charge Fire Inspection Fees?

Within the Fire Prevention and Control, Florida Statute 633,

633.081 Each county, municipality, and special district that has fire safety enforcement responsibilities shall employ or contract with a fire safety inspector. Except as provided in s,633.082(2), the fire safety inspector must conduct all fire safety inspections that are required by law. The governing body of the county, municipality, or special district that has fire safety enforcement responsibilities may provide a schedule of fees to pay only the cost of inspections conducted pursuant to the subsection and related administrative expenses.

Fire Fee Comparison

City of Jacksonville Beach:

Jacksonville Beach Fire Marshals Office is operated by employees/fire inspectors of Jacksonville Beach.

The New Construction Plan Review and New Construction inspections for Commercial occupancies, Multi-family, and Places of Assembly are conducted by the Jacksonville Beach Fire Marshals Office. There are no fees for service. The cost for this service is from the City's General Fund (Residential Taxes) .

The Periodic Fire Inspection and State Required Inspection on Commercial occupancies, Multi-Family Occupancies, and Places of Assembly, are conducted by the Jacksonville Beach Fire Marshal's Office. There are no fees for service. The cost for this service is from the City's General Fund (Residential Taxes) .

(Note: As Jacksonville Beach Fire Rescue Emergency Services has recently been taken over by The City of Jacksonville, Jacksonville Fire Rescue, the City of Jacksonville Beach has assumed the ISO Class 1 that The City of Jacksonville currently has. The Class 1 rating would require Jacksonville Beach Fire Marshal Office to conduct 100 % of the commercial, multi-family, places of assembly, and required state license occupancies. According to the Jacksonville Beach Fire Marshal it is unlikely, with their current staffing level, that all of the required fire inspections will be conducted. This could affect Jacksonville's ISO rating.)

City of Atlantic Beach & The City of Jacksonville:

The City of Atlantic Beach is under an agreement with the City of Jacksonville, Jacksonville Fire Rescue", for Emergency Fire Services and New Construction Plan Review and Inspection, and Fire Safety Routine Inspections (Periodic Inspections) . Fees are charged for both new construction and periodic inspection (See Section 123.102)

New Construction Plan Review Starts at \$150.00 for up to 10,000 sqft. And goes up to \$625.00 for up to 100,000 sqft. There are separate fees for Fire Alarms, Tents, Grease Hoods, Paint Spray Booths, Tanks, Awnings, Engineered Fire Protection Systems, Fire Sprinklers, Fire Pumps, Fire Hydrants, and Underground Mains, each start at about \$150.00 per system.

The Routine Inspections (periodic Inspection) are based on the sqft and start at \$0.009 per sqft up to \$5,000.00

There is an additional Fire Safety Pre-inspection- Property Assessment of \$65.00 for each occupancy. Each Occupancy up to 10,000sqft could be charged \$155.00.

St Johns County, St Johns County Fire Rescue,

St Johns Fire Rescue has a fee for new construction & inspection of new construction. That starts at \$71.00 for construction value up to \$50,000.00. Then they add \$1.25 for every \$1,000.00 of construction value.

There are separate permit fees for Fire Sprinkler Systems that start at \$81.00 for 50 heads and increases \$1.00 for every additional head.

Fire Alarms start at \$54.00 for 10 devices and increases \$1.50 for every additional device.

Fire Suppression Systems, Kitchen Exhaust Hoods, Fire Pumps , Private Fire Water Mains & Hydrants, and Hydrostatic Test are all set at about \$75.00.

Fire Inspections for Facilities required to hold a license to operate have inspection fees that start at \$54.00 for up to 5,000 sqft and go up to \$500.00 up to 1,000,00 sqft.

Because of the number of business occupancies within the County that cannot be inspected annually, they do not charge for periodic inspections.

(Note: St Johns County has a Class 3 ISO Rating)

City of Fernandina Beach, Fernandina Beach Fire Rescue

Fernandina Beach Fire Rescue charges for Plan Review & Inspection for new construction at a rate of 45% of the Building permit. In addition, they charge a separate permit & fee for Fire Sprinkler System Fire Alarm, that start at \$60 to \$80.00 with additional fess for devices over 50 sprinkler heads or 10 fire alarm devices, at \$1.00 to \$1.50 per device. Fire Pumps, Commercial Kitchen Exhaust Hoods, Start at about \$60.00.

Fernandina Beach Fire Rescue charges Annual Fire Inspection fees (for facilities required to hold a license to operate): Annual Periodic & Mandated State Inspections (Group Homes, Daycares, counseling centers, restaurants, gas stations, etc.) \$50.00 up to 3,000 sqft. Then \$7.00 for every addition 1,000 sqft.

Fernandina Beach Fire Rescue also charge \$25.00 for Local Business Tax Receipt Inspections along with other Permit for operations/ Events/ and other service, such as; ISO Fire Insurance verification letters, bonfires, carnival and fairs,

Fireworks/ Temporary Sales, Tents canopies and membrane structures, and other required permits allowed by the Florida Fire Prevention Code. These permit fees range from \$10.00 to \$100.00.

Clay County

Clay County Fire Rescue, charges for New Construction and systems such as Fire Alarms, Fire Sprinklers, Greases Hood, Paint Spray Booths, etc. The fees range from \$50.00 for up to 50,000 sqft and \$50.00/\$75.00 per system.

Annual Fire Safety Inspection at a rate \$50.00 for up to 100,000 sqft and \$100.00 for over 100,000 sqft. They charge \$50.00 for Daycares and Group homes and \$25.00 for Residential Foster Homes.

They also have a Miscellaneous Service Permit for Amusement Parks at \$100.00.

OVERVIEW

As a overview of the municipalities contacted, must charge fee for New construction Plan review and Inspection, these fee range from \$50.00 to \$150.00 for the permit. The fee can go up based on square footage or the value of the construction project. Some charge a percentage of the Building permit. Most also charge a base permit fee for fire systems and may increase the fee based on devices installed.

Annual or periodic inspection must charge for required annual licensed facilities. These fees range between \$50.00 to 150.00.

Some jurisdictions don't charge for periodic inspection because they don't do them, or they don't do all of them within a year.

A few charges as little as \$ 25.00 and add it to the Local Business Tax Receipt each year.

The most charged for the annual inspection and Fire Safety Pre-inspection-Property is \$155.00 a year.

Note: a couple jurisdictions, do not charge for new construction plan review and inspection. Nor do they charge for any periodic inspections. The fee for the fire service come out of general fund.

Many of the jurisdictions do not conduct all of the periodic inspection, (as reflected in their Public Protection Class Rating).

For those jurisdictions with a class 1 ISO rating, part of the ISO rating would require that all of the commercial occupancies and required licensed facilities would be inspected annually.



**Agenda Item #8C,
Balloon Release**

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

- AGENDA ITEM:** ORDINANCE NO. 2020-15, FIRST READ AND **PUBLIC HEARING**, An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date.
- SUBMITTED BY:** Mayor Elaine Brown
- DATE:** December 2, 2020
- BACKGROUND:** Balloons and sky lanterns released into the atmosphere return to the Earth as litter. This poses a danger and nuisance to the environment and wildlife. The City of Atlantic Beach passed an ordinance prohibiting the release of balloons and sky lanterns on March 9, 2020.
- This proposed ordinance amends Section 11-2 of the Code of Ordinances by prohibiting the release of balloons and sky lanterns in Neptune Beach.
- The proposed ordinance was unanimously forwarded for first read at the November 16, 2020, Council workshop.
- BUDGET:** N/A
- RECOMMENDATION:** Consider Ordinance No. 2020-15, Prohibiting the release of balloons or sky lanterns
- ATTACHMENT:** 1. Ord. No. 2020-15, Balloon Release

SPONSORED BY:
MAYOR BROWN



ORDINANCE NO. 2020-15

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, GARBAGE, TRASH, AND INDUSTRIAL WASTE, BY AMENDING SECTION 11-2, COMPLIANCE CONSTRUED; POLLUTION OF AIR, ADOPTING NEW SUBSECTION TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the City Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and

WHEREAS, these balloons, many of which land in rivers, streams, marshes and the ocean, represent one of the most common and destructive forms of floating garbage; and

WHEREAS, animals, such as sea turtles and other wildlife, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation or death; and

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and

WHEREAS, the City Council of the City of Neptune Beach believes balloon and lantern releases should be prohibited in entirety to protect the air, land, and waters of the City; and

WHEREAS, the City Council wishes to prohibit the release of balloons and sky lanterns; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Chapter 11-2, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 11-2. - Compliance construed; pollution of air.

- (a) It shall be unlawful for any person, housekeeper, storekeeper or the owner or occupant of any premises within the city limits, or their agents, servants or employees, to keep or offer for collection, garbage, refuse or industrial waste in any manner other than as provided in this chapter, or as provided in such rules and regulations as the city manager may prescribe under this chapter.
- (b) It shall be unlawful to keep or offer for collection any garbage, refuse or industrial waste in such manner as to render the air or soil impure or unwholesome, or in any such manner as to cause the premises or any premises adjacent thereto, to become littered or unsightly or dirty or unwholesome, or in any manner to violate the provisions of this chapter. It shall be unlawful for any person to leave any paper, glass, cans, food, fish, crab, cigarette butts, or other type of refuse upon the beach in the city.
- (c) It shall be unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more sky lanterns or balloons inflated with a gas that is lighter than air which includes but it not limited to, helium, with the exception of:
 - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
 - (2) Balloons released indoors.
- (d) The following terms and phrases shall have the meanings given herein for purposes of this chapter 5. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Balloon means a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water and then sealed at the neck, usually used as a toy or decoration.

Sky lantern means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this ____ day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this ____ day of January, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



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

- AGENDA ITEM:** ORDINANCE NO. 2020-16, FIRST READ AND PUBLIC HEARING, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
- SUBMITTED BY:** Mobility Management Director Megan Steward
- DATE:** December 2, 2020
- BACKGROUND:** Neptune Beach's current parking regulations do not address parking in perpendicular spaces. To properly utilize the license plate reader for the parking program, these spaces should be regulated.
- Ordinance No. 2020-16 amends Section 22-48 of the Code of Ordinances, Marking of Spaces.
- The ordinance was unanimously forwarded for first read at the November 16, 2020, Council workshop.
- BUDGET:** N/A
- RECOMMENDATION:** Consider Ordinance No. 2020-16, Marking of Parking Spaces
- ATTACHMENT:** 1. Ord. No. 2020-16, Parking Spaces

SPONSORED BY:

VICE MAYOR JONES



ORDINANCE NO. 2020-16

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES, TRAFFIC AND MOTOR VEHICLES, BY AMENDING SECTION 22-48, MARKING OF PARKING SPACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach, adopted Ordinance No. 2019-07, establishing controlled and metered parking within certain designated zones within the City; and

WHEREAS, Ordinance No. 2019-07 established Section 22-48, which authorizes the marking of parking spaces and regulates the manner of parking in parking spaces within the designated zones within the City; and

WHEREAS, Section 22-48(b) regulates parking in parallel and diagonal spaces, but fails to regulate parking in perpendicular spaces; and

WHEREAS, in enforcing the provisions of the Code regarding controlled and metered parking, the district parking operator utilizes equipment to read vehicle license plates from the traffic lane; and

WHEREAS, without regulation of parking in perpendicular spaces, the district parking operator is unable to properly implement the parking program described in the Code as the equipment is unable to read plates as intended; and

WHEREAS, parking requirements in parallel spaces are currently ambiguous in Section 22-48(b) and the City Council of the City of Neptune Beach also desires to clarify such requirements; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's Code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Chapter 22-48, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 22-48. – Marking of parking spaces; manner of parking.

- (a) The city manager, if it is deemed necessary or appropriate in the interest of the proper regulation of traffic and parking, is authorized to clearly mark designated parking spaces by placing painted lines upon the city curbs and streets adjacent to parking meters. It shall be unlawful to park a vehicle across a line or marking so that the vehicle is not entirely within the area for parking designated by lines or markings.
- (b) When a vehicle, with the exception of motorcycles, is parked within a parking space in a controlled and/or metered parking zone, whether marked by lines or not, the manner of parking shall be as follows:
 - (i) When such space is parallel with or diagonal to the traffic lane adjacent curb, sidewalk or edge of pavement, a the vehicle, with the exception of motorcycles, shall be parked such that the right-hand wheels are parallel to the right-hand curb, sidewalk, or edge of pavement.
 - (ii) When such space is diagonal or perpendicular to the traffic lane, a vehicle shall be parked head-in and in the space so that the front of the vehicle is nearest to the adjacent curb, sidewalk, or edge of pavement and furthest from the traffic lane. parking meter, and

It shall be unlawful to park a vehicle in any such parking space in any other manner.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this ____ day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this ____ day of January, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



**Agenda Item # 8E
Golf Carts**

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

- AGENDA ITEM:** ORDINANCE NO. 2020-17, FIRST READ AND **PUBLIC HEARING**, An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date.
- SUBMITTED BY:** Councilor Josh Messinger
- DATE:** December 2, 2020
- BACKGROUND:** Florida Statutes Section 316.212 provides guidance to municipalities for the local regulation of golf carts and low-speed vehicles.
- Ordinance No. 2020-17 created a new Chapter 22, Article V, Sections 22-70--22-75, Golf Carts.
- The ordinance was discussed at the November 12, 2020, Land Use and Parks Committee and was unanimously forwarded for first read at the November 16, 2020, Council workshop.
- BUDGET:** N/A
- RECOMMENDATION:** Consider Ordinance No. 2020-17, Golf Carts
- ATTACHMENT:** 1. Ord. No. 2020-17, Golf Carts



INTRODUCED BY:

ORDINANCE NO. 2020-17

COUNCILOR JOSH MESSINGER

A BILL TO BE ENTITLED

AN ORDINANCE CREATING A NEW ARTICLE V (GOLF CARTS), CHAPTER 22 (NEPTUNE BEACH TRAFFIC AND MOTOR VEHICLES CODE), ORDINANCE CODE, SETTING FORTH STANDARDS AND PROCEDURES FOR APPROVAL AND DESIGNATION OF PUBLIC RIGHTS OF WAY FOR USE BY GOLF CARTS; DESIGNATING PARKING AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida through F.S. § 316.212 has provided guidance to municipalities for the local regulation of golf carts, low-speed vehicles and utility vehicles; and

WHEREAS, the City of Jacksonville established through its ordinance 2018-266-E, a provision within their code regulations for the use of golf carts, low-speed vehicles and utility vehicles; and

WHEREAS, there continues to be a necessity in the City of Neptune Beach for regulations with respect to golf carts, low-speed vehicles and utility vehicles, on and through the streets and alleys within the City of Neptune Beach for the convenience of the citizens and visitors to the community, and to address traffic hazards and safety issues.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA:

Section 1: Creating a New Section 7 (Golf Carts), Article V, Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code. A new Section 7, Article V, Chapter 22 is hereby created to read as follows:

Chapter 22. (Traffic and Motor Vehicles)

Article V

Section 70. Golf Carts

Sec. 22 – 70 Findings.

- (a) The Council finds that golf carts provide residents an alternative mode of transportation within communities and the beachfront, reducing vehicle emission and gasoline consumption and separate pathways for golf cart usage within public and private rights of way can provide connection between local roads so as to allow travel between residential, retail, workplace and recreational areas without the need to use an automobile.
- (b) As more residents seek alternatives to automobile use the Council finds that having uniform standards for designation of roads and streets for use by golf carts and operations of golf carts is necessary to protect the health, safety and general welfare of the public.
- (c) Section 316.212, Florida Statutes authorizes local governments to designate public municipal roads and streets for use by golf carts.

Sec. 22 – 71 Definitions

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates, or requires a different meaning:

- (a) “Alley” – Also known as alleyway, see, “Road.”
- (b) “All-Terrain Vehicle” Shall have the definitions provided in F.S. § 316.2074. As it now exists, that term means: any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons. For purposes of this section, “all-terrain vehicle,” also includes a, “two-rider ATV,” as defined in F.S. § 317.0003.
- (c) “Applicant” – Means a person or entity who is requesting that a road be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (d) “Application” – Means a request for a Road to be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (e) “Authorized Utility Vehicle” – Means a Golf Cart or LSV of the Jacksonville Fire and Rescue Division, Jacksonville Sheriff’s Office Vehicles, Neptune Beach Police Department Vehicles, Neptune Beach Ocean Rescue Division, and Utility Vehicles of

other City Departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized by the City Manager.

- (f) “City” – Means the City of Neptune Beach, Florida.
- (g) “City Council” – Means the City Council for the City of Neptune Beach, Florida.
- (h) “City Engineer” – Means the official designated or recognized to be performing as a professional engineer for the City.
- (i) “Designated Road” – Means a Road, or portion thereof, that, consistent with this Section, has received approval from the City for the use of Golf Carts. Designated Road shall include roads currently in existence or Roads planned for construction (By default all Roads within the City of Neptune Beach are designated as approved for the use of Golf Carts, Low-Speed Vehicles, and Utility Vehicles).
- (j) “Driver’s License” – A valid, current license to operate a motor vehicle issued by the state of Florida, any other state within the United States; or for foreign visitors, a valid driver’s license from their country of residence.
- (k) “Financial Responsibility” – Liability insurance coverage on a golf cart, low-speed vehicle, or utility vehicle not less than required by Florida law for motor vehicles operated on public highways in the State of Florida.
- (l) “Golf Cart” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of (20) miles per hour.”
- (m) “Golf Cart Path” – Means a shared-use pathway which may be used by pedestrians, roller-bladers/skaters, runners, bicyclists, and golf carts (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (n) “Low-Speed Vehicle” – Also known as, “LSV,” Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “Any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but limited to neighborhood electric vehicles. LSVs must comply with the safety standards in 49 C.F.R. Section 571.500 and Section 316.2122, Florida Statutes.”

- (o) “Multi-Use Path” – Also known as, “Shared Path,” Means a paved or unpaved recreational trail, bicycle path or sidewalk, maintained by the City of Neptune Beach within and without city road rights of way, on public or private property, intended for and open to the use of the public for travel and recreational activities; Multi-Use Paths are not part of the, “County Road System,” as defined in Chapter 336, Florida Statutes.
- (p) “Prohibited Road” – Means a Road, or portion thereof, on which, consistent with this Section, the City has specifically prohibited the use of Golf Carts or LSVs. However, all roads under the jurisdiction of the City of Neptune Beach shall allow Golf Carts unless expressly prohibited by this Chapter, or pursuant to previous ordinances.
- (q) “Road” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: the entire width between boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; also known as: street, highway, or alley. This term includes associated sidewalks (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles), the roadbed, the rights of way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.
- (r) “Operate” – To ride in or on and control the operation with actual physical control of a golf cart, low-speed vehicle, or utility vehicle.
- (s) “Operator” – Only persons over (16) years of age, and holding valid, current driver’s license may operate a golf cart, low-speed vehicle, or utility vehicle on a street, highway or in the public right of way.
- (t) “Off-Road Vehicle” – A motor-driven vehicle capable of cross-country travel: without benefit of a road or trail; and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The term includes, but is not limited to the following: A multi-wheel drive, or low-pressure tire vehicle; an amphibious machine; a ground effect air cushion vehicle; Swamp Buggy; and other means of transportation deriving motive power from a source other than muscle, or wind. The term does not include, but is not limited to the following: A farm vehicle being used for farming; a vehicle used for military, law enforcement, or other purposes related to good governance by City employees; a construction, mining, or other industrial-related vehicle used in performance of the vehicle’s common functions; a registered aircraft; and other vehicle properly registered by the Florida Highway Safety and Motor Vehicles; or any water craft that is registered under state statutes.
- (u) “Sidewalk” – Means a paved area intended primarily for use by pedestrians (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and

utility vehicles); that portion of a street between the curb line, or the lateral line of a roadway and the adjacent property lines, intended for use by pedestrians; F.S. §316.003 (47).

(v) "Highway" – See, "Road."

(w) "Street" – See, "Road."

(x) "Utility Vehicle" - Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in F.S. § 316.2074.

Sec. 22 – 72 Designation Procedures.

The following procedures shall be utilized in designating any portion of any Road as a Designated Road or Prohibited Road or any portion of a Sidewalk as a Golf Cart Path:

- (a) For additional clarity all Roads under the jurisdiction of the City of Neptune Beach are, by default, Designated Roads for golf carts, low-speed vehicles and utility vehicles.
- (b) For additional clarity all sidewalks under the jurisdiction of the City of Neptune Beach are, by default, are restricted from use by golf carts, low-speed vehicles and utility vehicles.
- (c) Upon receipt of an Application, the City Engineer shall, as may be applicable, conduct a study, review any study provided by an Applicant, or review the proposed construction plans, if the Application has been submitted during the development review. The City Engineer shall review the Application in accordance with best practices within the industry and with local, state and federal design standards and guidelines and shall make a recommendation of the following as may be applicable:
 - (1) In the case of a proposed Designated Road, whether Golf Carts may travel on or across the proposed Designated Road, considering factors including the speed, volume, and character of motor vehicle traffic using said road or street, provided that, in no event shall an Application for a proposed Designated Road be granted unless the posted speed limit is (30) miles per hour or less. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (2) In the case of a proposed Prohibited Road, whether it is necessary in the interest of public safety to prohibit the operation of golf carts, LSVs, or utility vehicles on the proposed Prohibited Road. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
 - i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (3) In the case of a proposed conversion of an existing Sidewalk into a Golf Cart Path or construction of a Golf Cart Path where no sidewalk and/or Road currently exists, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in the surrounding community, the character of the surrounding community and the location of proposed and/or existing authorized Golf Cart crossing(s), and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. Any Golf Cart Path shall have a minimum of fourteen (14) feet of clear width with pavement width of at least (12) feet, measured from the centerline of the clear width. The City Engineer may approve a deviation of both the required width and required pavement width based on topographic conditions but may not approve a proposed Golf Cart Path with less than (8) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (4) In the case of a proposed conversion into a Golf Cart Path of an existing or planned Multi-use Path that was installed in lieu of a requirement for both a bike lane and a sidewalk, said conversion will only be allowed if an additional four feet of pavement width and overall clear width is provided (16' of pavement width and 18' of clear width). Additionally, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in surrounding community, the character of the surrounding community and the location of the proposed and/or existing authorized Golf Cart or Multi-Use Path crossings, and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. The City Engineer may recommend approval of a deviation of both the required clear width and required pavement width based on topographic conditions, but may not approve a proposed Golf Cart Path in this instance with less than (12) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
 - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (d) In the event the City Engineer recommends denial of the Application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the denial; a copy of which will be given to the Applicant.
- (1) The City Manager may approve or deny the Application based on the recommendations of the City Engineer and/or Community Development Director.

- (2) In the event that the City Manager denies the Application, the City Manager will provide the Applicant with the denial and any written findings of fact produced by the City Engineer and/or Community Development Director. The Applicant may appeal the denial of the City Manager by filing a written notice of appeal with the City Clerk within (30) days after receipt of the written findings of fact. The appeal shall be heard by the Community Development Board and either the decision by the City Manager shall be affirmed or overruled.
- (e) In the event the City Engineer recommends approval of the application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the approval. Upon approval of the Application by the City Manager, the Applicant shall install, or shall cause to be installed, appropriate signs and/or pavement markings to indicate where and that such vehicle use is allowed or prohibited, as may be applicable. All signage and pavement markings shall comply with the standards of the *Manual on Uniform Traffic Control Devices* issued by the *Federal Highway Administration*; and as may be required by the Neptune Beach Code of Ordinances, or Vision Plan; and with any permitting requirements for such signs. At a minimum, signs shall be located at entry points into the development, and on the Roads and Golf Cart Paths. The signs shall be of a design approved through the application process. The Applicant or designee shall pay in full for all costs and expenses associated with the installation of such signage and/or pavement markings. Failure to repair or replace a damaged or missing sign shall cause a Road to lose its designation.
- (f) Communities that own and maintain their own road system (i.e. private communities, Home Owners Associations, community development districts, special districts) may apply pursuant to this Section for the community-owned roads or sidewalks, or any portion thereof, to be designated for Golf Cart use, or for the use of LSVs to be prohibited upon the community-owned roads, or any portion thereof, and for enforcement of the provisions of this Section, if said community has entered into a traffic enforcement agreement with the City of Neptune Beach Police Department. The cost of any and all signage and/or pavement markings required shall be the sole responsibility of the community. Nothing in this Section shall be construed to convey to the City any ownership or maintenance responsibility of the community-owned roads or sidewalks.

Sec. 22 – 73 Operation of Golf Cart, LSV, Utility Vehicles and Equipment

The operation of a golf cart, low-speed vehicle, or utility vehicle on a road under the jurisdiction of the City of Neptune Beach is strictly prohibited unless the golf cart, low-speed vehicle, or utility vehicle is operated, and equipped in full compliance with this ordinance.

(a) DUTY OF CARE

- (1) No Golf Cart, LSV, or Utility Vehicle shall be operated in a reckless or careless manner. The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.

(b) REGISTRATION REQUIREMENT

- (1) All golf carts, LSVs and Utility Vehicles, including, but not limited to swamp buggies, must be registered with Florida Highway Safety and Motor Vehicles; and must be plated.
- (2) All LSVs and Utility Vehicles must be registered and insured in accordance with F.S. § 302.02, and titled pursuant to Chapter 319, Florida Statutes.

(c) AUTHORIZED OPERATOR

- (1) Only persons over sixteen (16) years of age and holding a valid, current driver's license may operate a golf cart, LSV, or Utility Vehicle on any street, highway or in a public right of way.

(d) FINANCIAL RESPONSIBILITY PROOF

- (1) The operator of a golf cart, LSV, or Utility Vehicle must be able to produce proof of financial responsibility when asked by a City Official while operating a golf cart, LSV, or Utility Vehicle.
- (2) Written proof of financial responsibility must be available either on the golf cart/off road vehicle, or carried by the operator at all times.

(e) TIME OF ALLOWABLE OPERATION AND EQUIPMENT REQUIREMENTS

- (1) Golf carts, LSVs, and Utility Vehicles shall not be operated on Roads under the jurisdiction of the City of Neptune Beach during one-half hour after sunset to one-half hour before sunrise; unless
 - i. The golf cart or off-road vehicle is equipped with two operating headlights (one on each side of the front of the golf cart, LSV or utility vehicle), two operating red tail lights with red brake lights (one on each side of the rear of the golf cart, LSV, or utility vehicle) which are visible from a distance of five hundred (500) feet, and four operating amber turn signals (one on each side of the front, and rear of the golf cart, LSV or utility vehicle) which are visible from a distance of five hundred (500) feet.

- ii. No person who does not hold a valid driver license and is under (17) years of age may operate a Golf Cart upon a Designated Road or Golf Cart Path after 11PM and before 6AM.
- (2) All Golf Carts, LSVs, and Utility Vehicles must be equipped with at least one side-mounted rear-view mirror on the left side of the vehicle.
- (3) All Golf Carts, LSVs, and Utility Vehicles must be equipped with a windshield.
- (4) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror (inside the operator's cab), and red reflectorized warning devices in both the front and rear.
- (5) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with a horn or other warning device as required by F.S. § 316.271.
- (6) All LSVs, and Utility Vehicles must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors (inside the operator's cab), windshields, seat belts, and vehicle identification numbers.
- (7) All Golf Carts, LSVs, or Utility Vehicles that is not under ordinary circumstances moved, operated, or driven at a speed greater than twenty-five (25) miles per hour must display on the back of the vehicle a, "slow-moving vehicle" emblem.
- (8) The City, or any other state or local agency operating under an interlocal, or mutual aid agreement may use Golf Carts, LSVs, and Utility Vehicles upon any Road or Sidewalk in accordance with F.S. § 316.2126; and F.S. § 316.21265.

(f) VARIANCES

- (1) In the event that a person cannot meet any of the criteria for equipment, that person may make a written request with the Community Development Board for an exception to the provisions of this Ordinance.
 - i. Such written requests shall set forth the item, or items that cannot be met by said person, and the reasons for that, and shall state why the Community Development Board should allow an exception to any of the terms and provisions of this Ordinance.
- (2) The Community Development Board shall have the authority to grant, or deny any such exceptions following the receipt of such a written request, and the appearance of the person making such request at a Community Development

Meeting, by establishing in writing the reasons for the granting, or denying of the exception(s) so requested.

(g) PLACE OF OPERATION

- (1) By default, all Golf carts, LSVs, and Utility Vehicles may be operated on Town streets if the equipment complies with other provisions of this code.
- (2) In general, Golf carts, LSVs, and Utility Vehicles may not be operated along 3rd Street (A-1-A), or any other state or federal highway except to cross said highways at a ninety (90) degree angle; or as may be allowed under F.S. § 316.212.
- (3) By default, Golf carts, LSVs, or Utility Vehicles are not to be driven, or parked on public sidewalks.
- (4) No golf cart, or off-road vehicle shall be allowed to operate in any area designated as a park without the prior approval of the Director of Public Works; vehicles operated by City employees for the purposes of carrying out related job-duties for the good operation of the City are exempted from this restriction.

(h) OCCUPANTS

- (1) The number of occupants in a golf cart, or off-road vehicle shall be limited to the number of persons for whom factory seating is installed, and provided on the Golf Cart, LSV, or Utility Vehicle.
- (2) The operator and all occupants shall be seated in the Golf Cart, LSV, or Utility Vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the Golf Cart, LSV, or Utility Vehicle while in operation.
- (3) Children under (3) years old are not to be passengers on Golf Carts, LSVs, or Utility Vehicles on public streets, alleys, or roads in the City of Neptune Beach.

(i) TRAFFIC RULES; ENFORCEMENT; AND PENALTIES

- (1) The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.
- (2) The operator of the Golf Cart, LSV, or Utility Vehicle shall comply with all traffic rules and regulations adopted by the State of Florida, and the City of Neptune Beach which govern the operation of motor vehicles.

- (3) The Neptune Beach Police Department is authorized to stop persons whom are reasonably suspected to be in violation of the provisions of this section and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this Section.
- (4) The Neptune Beach Police Department, upon finding a person suspected to be in violation of this Section shall allow the person an opportunity to explain why he or she is not in violation of this ordinance. If a person is in violation of the ordinance, the Neptune Beach Police Department shall ascertain the name and address of the person, warn the person that he or she is in violation of the ordinance, and if there is any doubt about the will or capacity of the person to return safely to their home or usual place of abode, the Neptune Beach Police Department may take the person immediately to their home or usual place of abode.
- (5) Any person who violates this Section shall receive a written warning for his or her first violation.
 - i. Violations of this Section that are not subject to penalties of F.S. § 316; and after first receiving a written warning, are hereby declared to be civil infractions for which the following penalties shall be assessed and paid in the following amounts:
 - 1. First Offense \$50.00
 - 2. Second Offense \$75.00
 - 3. Third Offense \$100.00
 - ii. If a person fails to pay the civil fine within the time prescribed on the citation or fails to obtain a court date, or having obtained a court date, fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation. In such case, final judgement may be entered against the person in the maximum civil fine allowed, which shall be payable within sixty (60) days from the date of execution of the final judgment. Alternatively, the court may issue an order to show cause, requiring the person to appear before the court to explain why action on this citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive that person may be held in contempt of court in addition to having to pay the civil fine, court costs and restitution, as applicable.

- iii. The enforcement provisions of this Section are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

Sec. 22 – 74 Severability

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Sec. 22 – 75 Effective

This ordinance shall be in full-force and effect from, and after its passage and publication as required by law.

The provision of all other ordinances in conflict with the provisions hereto are no further in force, or effect, and are hereby repealed.

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

Passed on Second and Final Reading this ____ day of _____, 2021

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and contents:

Zachary R. Roth, City Attorney



**Agenda Item #8F
eScooter Moratorium**

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

- AGENDA ITEM:** ORDINANCE NO. 2020-18, FIRST READ AND **PUBLIC HEARING**, An Ordinance by the City Council of the City of Neptune Beach, Creating a Section 22-7, Article I, In General, Chapter 22, Traffic and Motor Vehicles; Instituting a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters; Providing for Legislative Findings, Designation of the Temporary Moratorium, Conflicting Ordinances, Severability, Enforcement, and an Effective Date.
- SUBMITTED BY:** Mayor Elaine Brown
- DATE:** December 2, 2020
- BACKGROUND:** This ordinance places a temporary moratorium on eScooter rentals to allow time for an ordinance to be put in place to regulate their use in Neptune Beach. Jacksonville Beach and Atlantic Beach are passing similar legislation.
- BUDGET:** N/A
- RECOMMENDATION:** Consider Ordinance No. 2020-18, Temporary Moratorium on eScooter Rentals
- ATTACHMENT:** 1. Ord. No. 2020-18. eScooters

SPONSORED BY:

MAYOR BROWN



ORDINANCE NO. 2020-18

ORDINANCE NO. 2020-18

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, CREATING A SECTION 22-7, ARTICLE I, IN GENERAL, CHAPTER 22, TRAFFIC AND MOTOR VEHICLES; INSTITUTING A TEMPORARY MORATORIUM ON THE COMMERCIAL RENTAL AND LEASE, AND USE OF RENTED AND LEASED, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, DESIGNATION OF THE TEMPORARY MORATORIUM, CONFLICTING ORDINANCES, SEVERABILITY, ENFORCEMENT, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Section 166.021, Florida Statutes, provides that municipalities have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, pursuant to the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in further thereof, including its policing and regulatory powers; and

WHEREAS, the City of Neptune Beach (“City”) is experiencing the unusual presence and increasing use of commercially rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the downtown area of the City; and

WHEREAS, Section 316.003(23), Florida Statutes, defines an electric personal assistive mobility device as any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour, and electric personal assistive mobility devices are not vehicles as defined in this section; and

WHEREAS, Section 316.003(39), Florida Statutes, defines a micromobility device as any motorized transportation device made available for private use by reservation through an

online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground, and the term includes motorized scooters and bicycles; and

WHEREAS, Section 316.003(46), Florida Statutes, defines a motorized scooter as any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground, and the term does not include an electric bicycle; and

WHEREAS, City staff and City law enforcement officers have observed users of electric personal assistive mobility devices, micromobility devices, and motorized scooters riding in an unsafe manner, riding on sidewalks and park areas, failing to observe traffic control devices, and neglecting to stop at intersections with stop signs, failing to yield to pedestrians, and other dangerous maneuvers that have put people at risk; and

WHEREAS, local commercial vendors who rent these devices and scooters have advised police department officials that although they were not prepared for the immense popularity of these devices and scooters, they intend to obtain more such devices and increase rentals at hotels and store fronts throughout the City; and

WHEREAS, there appears to be no organized management or control of the devices and scooters that are being used in the City and that are being left in areas throughout the City when the user discontinues use; and

WHEREAS, with this sudden occurrence of the large number of devices and scooters, and their rampant uncontrolled use, the City has found it necessary to issue this ordinance concerning this emergent special condition in the interest of public health, safety, and welfare and for protection of the users of the devices and scooters; and

WHEREAS, Section 316.008(1)(t), Florida Statutes, authorizes local authorities to reasonably exercise their police powers to adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

WHEREAS, Section 316.2068(5), Florida Statutes, authorizes a municipality to regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the municipality determines that regulation is necessary in the interest of safety; and

WHEREAS, Section 316.2128(1), Florida Statutes, provides that a local government through the exercise of its powers under Section 316.008, Florida Statutes, may regulate and govern the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, Section 166.041(3)(b), Florida Statutes, allows the governing body of a municipality to, by a two-thirds vote, enact an emergency ordinance without complying with

the requirements of paragraph (a) of this subsection which requires that an ordinance be publicly read on at least two separate days among other notice and opportunity for interested parties to be heard with respect to the proposed ordinance; and

WHEREAS, the City Code of Ordinances currently does not regulate the use of such devices within the City; and

WHEREAS, City Code of Ordinances Section 2-46 authorizes the adoption of an ordinance on an emergency basis with two readings to be held on the same day; and

WHEREAS, the existing situation regarding such devices creates a danger to person and property within the City that must be addressed expeditiously to protect the residents and businesses of the City; and

WHEREAS, allowing such matters to remain unregulated will result in damage to property and potential loss of life which requires immediate attention; and

WHEREAS, pursuant to the above cited laws the City also has the authority to impose a moratorium and pause the abounding expansion of rentals until such time as appropriate regulations are in place for the public health, safety and welfare; and

WHEREAS, City staff and the City police department are to continue researching and working on permanent solutions to these emergent special conditions during the temporary moratorium imposed by this Ordinance, including but not limited to permitting and licensing regulations, zoning regulations, police powers regulations, traffic safety, and public safety; and

WHEREAS, during the temporary moratorium imposed by this Ordinance, the City Council desires an opportunity to hear input from local residents, businesses, and City departments to better prepare and take any steps necessary for the adoption and implementation of permanent regulations to address these emerging matters; and

WHEREAS, it is not the purpose or intent of this Ordinance to restrict or deny the use of personally owned electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City, if they are operated consistent with Florida Law and City Code; and

WHEREAS, it is not the purpose or intent of this Ordinance to adversely affect the local businesses that lawfully engage in the business or intend to lawfully engage in the business of leasing or renting electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City intends to effectively determine the best approach to permit and govern the leasing and renting business and use of electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City finds a legitimate public purpose and it is in the best interests of the public health, safety, and welfare to impose a temporary moratorium on the commercial

leasing and rental and use of commercially rented or leased electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City until such time as appropriate City regulations are in place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.

The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. Creating a New Section 7 (Temporary Moratorium), Article I, Chapter 22 (Traffic and Motor Vehicles), Ordinance Code. A new Section 22-7, Article I, Chapter 22 is hereby created to read as follows:

TEMPORARY MORATORIUM.

A temporary moratorium is imposed on the commercial leasing and renting and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City. While this temporary moratorium is in effect, the City shall not authorize, allow, accept, process, or approve any application relating to the operation or commercial leasing and renting of these devices and scooters. This moratorium applies to any business that operates out of a hotel, motel, store, vendor stand, and any other local business location in the City, and to any online business operation that makes these devices and scooters locally available in the City. Nothing in this Ordinance shall be construed as a limit on the lawful use of the private ownership of these devices and scooters. Those individuals that use their privately owned devices and scooters are required to follow all Florida Laws and City Ordinances relating to these devices and scooters. This moratorium is imposed pursuant to the City's police and regulatory powers to protect the public health, safety, and welfare of the community at large and shall remain in effect until such time as repealed by the City Council as part of adoption of permanent regulations.

SECTION 3. CONFLICTING ORDINANCES.

That all ordinances or parts of ordinances in conflict with this Ordinance or parts thereof previously adopted or entered by the City in conflict with this Ordinance are temporary suspended to the extent inconsistent herewith and until a future ordinance is permanently addresses the subject matter.

SECTION 4. SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 5. ENFORCEMENT.

The City’s code enforcement officer, law enforcement officers, or any other person authorized to enforce ordinances in the City, may enforce the provisions of this Ordinance. Any enforcement action or legal remedy available under controlling state law, including but not limited to, prosecution as a misdemeanor with a fine not exceeding \$500.00 per violation, may be imposed as a penalty against the business and/or individual violator. Nothing contained herein shall prevent the City from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

- a. Code enforcement action pursuant to City of Neptune Beach Ordinances against a business and/or individual;
- b. Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction against a business and/or individual;
- c. Initiating an action against a business and/or individual to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or
- d. Utilizing any other action or enforcement method allowable by law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon approval.

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this ____ day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this ____ day of January, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



**Agenda Item #10A
CDB Appointment**

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

AGENDA ITEM: Resolution No. 2020-09, A Resolution Appointing Member to the Community Development Board

SUBMITTED BY: City Clerk Catherine Ponson

DATE: December 2, 2020

BACKGROUND: David Jaffee was appointed to fill the unexpired term of CDB Alternate Lauren Key on June 6, 2020. That term expired on November 5, 2020.

Mayor Brown is recommending appointing Mr. Jaffee for a full one-year term as an alternate member of the CDB beginning November 6, 2020.

BUDGET: N/A

RECOMMENDATION: Consider Resolution No. 2020-09, Appointing David Jaffee to a full one-year term as an alternate on the CDB.

ATTACHMENT: 1. Res. No. 2020-09, CDB



RESOLUTION NO. 2020-09

A RESOLUTION APPOINTING MEMBER TO THE COMMUNITY DEVELOPMENT BOARD (CDB)

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following CDB member:

COMMUNITY DEVELOPMENT BOARD

Member	Type	Term	Begins	Ends
David Jaffee	Alternate Member	1 st 1-year	11/6/2020	11/6/2021

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this ___ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



**Agenda Item #10B
Banking Services
RFP**

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

- AGENDA ITEM:** Approval of Banking Services RFP Selection
- SUBMITTED BY:** City Manager Stefen Wynn and CFO Carl LaFleur
- DATE:** December 2, 2020
- BACKGROUND:** The City issued an RFP for Banking Services on October 12, 2020. BBVA, Chase and Wells Fargo submitted proposals. Bank of America refused to bid.
- The evaluation committee, City Manager Stefen Wynn, CFO Carl LaFleur, and Finance Committee Chairman Scott Wiley scored the submittals.
- The scores are attached along with the average score total.
- BUDGET:**
- RECOMMENDATION:** Consider the evaluation scores and authorize the City Manager to begin contract negotiations for banking services.
- ATTACHMENT:** 1. Banking RFP Score Sheets (1)

PROPOSING BANK

BBVA COMPASS

Average Scores

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4.67	46.66667
Experience	10	x	4.33	43.33333
References	20	x	4.33	86.66667
Product Features	5	x	4.00	20
CashManagement Recommendations	5	x	3.00	15
Customer Service	20	x	4.33	86.66667
Implementation of Plan	10	x	3.33	33.33333
Price, Fees, Funds Availability and Net Interest Credit	20	x	3.33	66.66667

TOTAL SCORE **398.3333**

PROPOSING BANK

CHASE BANK

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4.67	46.66667
Experience	10	x	4.33	43.33333
References	20	x	4.00	80
Product Features	5	x	4.33	21.66667
CashManagement Recommendations	5	x	4.00	20
Customer Service	20	x	4.00	80
Implementation of Plan	10	x	3.33	33.33333
Price, Fees, Funds Availability and Net Interest Credit	20	x	3.67	73.33333

TOTAL SCORE **398.3333**

PROPOSING BANK

WELLS FARGO

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4.33	43.33333
Experience	10	x	4.33	43.33333
References	20	x	1.67	33.33333
Product Features	5	x	4.00	20
CashManagement Recommendations	5	x	3.67	18.33333
Customer Service	20	x	4.00	80
Implementation of Plan	10	x	3.67	36.66667
Price, Fees, Funds Availability and Net Interest Credit	20	x	3.67	73.33333

TOTAL SCORE **348.3333**

**CITY OF NEPTUNE BEACH
REQUEST FOR PROPOSAL
SCORE SHEET FOR PROPOSERS**

BANKING SERVICE EVALUATION FORM

lch

PROPOSING BANK

BBVA COMPASS

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4	40
Experience	10	x	5	50
References	20	x	4	80
Product Features	5	x	4	20
CashManagement Recommendations	5	x	3	15
Customer Service	20	x	4	80
Implementation of Plan	10	x	3	30
Price, Fees, Funds Availability and Net Interest Credit	20	x	3	60

TOTAL SCORE 375

PROPOSING BANK

CHASE BANK

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4	40
Experience	10	x	5	50
References	20	x	4	80
Product Features	5	x	4	20
CashManagement Recommendations	5	x	4	20
Customer Service	20	x	4	80
Implementation of Plan	10	x	3	30
Price, Fees, Funds Availability and Net Interest Credit	20	x	3	60

TOTAL SCORE 380

PROPOSING BANK

WELLS FARGO

Ranking: 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score	Total
Completeness of Proposal Submittal	10	x	4	40
Experience	10	x	5	50
References	20	x	3	60
Product Features	5	x	4	20
CashManagement Recommendations	5	x	4	20
Customer Service	20	x	4	80
Implementation of Plan	10	x	4	40
Price, Fees, Funds Availability and Net Interest Credit	20	x	4	80

TOTAL SCORE 390

Carl LaFleur

**CITY OF NEWMINE BEACH
REQUEST FOR PROPOSALS
SCORE SHEET FOR PROPOSERS**

Scott Wiley

BANKING SERVICE EVALUATION FORM

PROPOSING BANK CHASE

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score
Completeness of Proposal Submittal	10	10 x 5	50
Experience	10	10 x 3	30
References	20	20 x 4	80
Product Features	5	5 x 4	20
Cash Management Recommendations	5	5 x 3	15
Customer Service	20	20 x 3	60
Implementation of Plan	10	10 x 3	30
Price, Fees, Funds Availability and Net Interest Credit	20	20 x 4	80
TOTAL SCORE			365

BANKING SERVICE EVALUATION FORM

PROPOSING BANK BBVA

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score
Completeness of Proposal Submittal	10	10 x 5	50
Experience	10	10 x 4	40
References	20	20 x 4	80
Product Features	5	5 x 4	20
Cash Management Recommendations	5	5 x 3	15
Customer Service	20	20 x 4	80
Implementation of Plan	10	10 x 3	30
Price, Fees, Funds Availability and Net Interest Credit	20	20 x 4	80
TOTAL SCORE			395

**CITY OF NEP, JNE BEACH
REQUEST FOR PROPOSALS
SCORE SHEET FOR PROPOSERS**

BANKING SERVICE EVALUATION FORM

PROPOSING BANK

WELLS FARGO

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight	Score
Completeness of Proposal Submittal	10	10 x 5 = 50
Experience	10	10 x 4 = 40
References	20	20 x 0 = 0
Product Features	5	5 x 3 = 15
Cash Management Recommendations	5	5 x 3 = 15
Customer Service	20	20 x 3 = 60
Implementation of Plan	10	10 x 3 = 30
Price, Fees, Funds Availability and Net Interest Credit	20	20 x 3 = 60

TOTAL SCORE 240

BANKING SERVICE EVALUATION FORM

PROPOSING BANK

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight	Score
Completeness of Proposal Submittal	10	10 x _____
Experience	10	10 x _____
References	20	20 x _____
Product Features	5	5 x _____
Cash Management Recommendations	5	5 x _____
Customer Service	20	20 x _____
Implementation of Plan	10	10 x _____
Price, Fees, Funds Availability and Net Interest Credit	20	20 x _____

TOTAL SCORE

**CITY OF NEPTUNE BEACH
REQUEST FOR PROPOSALS
SCORE SHEET FOR PROPOSERS**

SW

BANKING SERVICE EVALUATION FORM

PROPOSING BANK _____

BBVA

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score
Completeness of Proposal Submittal	10		10 x
Experience	10		10 x
References	20		20 x
Product Features	5		5 x
Cash Management Recommendations	5		5 x
Customer Service	20		20 x
Implementation of Plan	10		10 x
Price, Fees, Funds Availability and Net Interest Credit	20		20 x

*5 50
4 40
5 100
4 20
3 15
5 100
4 40
3 60*

TOTAL SCORE

425 / 500

BANKING SERVICE EVALUATION FORM

PROPOSING BANK _____

BOA - Refusal to Bid

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score
Completeness of Proposal Submittal	10		10 x
Experience	10		10 x
References	20		20 x
Product Features	5		5 x
Cash Management Recommendations	5		5 x
Customer Service	20		20 x
Implementation of Plan	10		10 x
Price, Fees, Funds Availability and Net Interest Credit	20		20 x

TOTAL SCORE

0 / 500

Stefen Wynn

CITY OF NEPTUNE BEACH
REQUEST FOR PROPOSALS
SCORE SHEET FOR PROPOSERS

slw

BANKING SERVICE EVALUATION FORM

PROPOSING BANK

Wells Fargo

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score		
Completeness of Proposal Submittal	10		10 x	4	40
Experience	10		10 x	4	40
References	20		20 x	2	40
Product Features	5		5 x	5	25
Cash Management Recommendations	5		5 x	4	20
Customer Service	20		20 x	5	100
Implementation of Plan	10		10 x	4	40
Price, Fees, Funds Availability and Net Interest Credit	20		20 x	4	80

TOTAL SCORE

385 / 500

BANKING SERVICE EVALUATION FORM

PROPOSING BANK

Chase Bank

Ranking : 0-Not Responsive, 1-Not acceptable, 2-Poor, 3-Acceptable, 4-Good, 5-Exceptional

Evaluation Criteria	Weight		Score		
Completeness of Proposal Submittal	10		10 x	5	50
Experience	10		10 x	5	50
References	20		20 x	4	80
Product Features	5		5 x	5	25
Cash Management Recommendations	5		5 x	5	25
Customer Service	20		20 x	5	100
Implementation of Plan	10		10 x	4	40
Price, Fees, Funds Availability and Net Interest Credit	20		20 x	4	80

TOTAL SCORE

~~400~~ 450 / 500