

SPONSORED BY:

Councilor Diamond



ORDINANCE NO. 2017-16

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; RELOCATING SECTION 27-346, ARTICLE VI CONCURRENCY, SECTION 27-375 ARTICLE VII PROTECTION OF POTABLE WATER WELLFIELD, AND SECTION 27-576 ARTICLE XV TO ARTICLE I, SECTION 27-15 DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. Chapter 27, Unified land development regulations; relocating Section 27-346, Article VI, Concurrency, section 27-375 Article VII Protection of potable water wellfield, and Section 27-576 Article XV to Article I, Section 27-15 Definitions; shall be amended as follows:

~~Sec. 27-346. Definitions.~~

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

~~*Capacity, available* means that portion of the design capacity that can be reserved on a first come first serve basis.~~

~~*Capacity, design* means the maximum level of service that the public facility is capable of providing at the adopted level of service standard.~~

~~*Capacity, improvement* means added facility capacity that will result from capital improvements made by the city or by a developer.~~

~~*Capacity, reserved* means that portion of the design capacity that has been reserved for valid concurrency certificates and for developments that were issued a development permit prior to April 1, 1990.~~

~~*Capacity, used* means that portion of the design capacity that is allocated for and serves existing development.~~

~~Capital improvement~~ includes the purchase, construction, or improvement of a public facility which has an estimated cost of twenty-five thousand dollars (\$25,000.00) or more.

~~Capital improvements element~~ means that part of the comprehensive plan.

~~Comprehensive Plan~~. See definition in article I.

~~Concurrency~~. See definition in article I.

~~Concurrency certificate~~. See definition in article I.

~~Developer~~. See definition in article I.

~~Five-Year Schedule of Capital Improvements~~. See definition in article I.

~~Projected impact~~ means the calculated usage of a facility.

~~Phasing~~ means the incremental staging of development.

~~Public facility (ies)~~. See definition in article I.

~~Development order~~. See definition in article I.

~~Development permit~~. See definition in article I.

(Ord. No. 91-1-5, § 2, 5-6-91)

Sec. 27-375. -- Definitions.

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

~~Protected wellhead~~ means those wellheads with a permitted capacity of one hundred thousand (100,000) GPD or more.

~~Wellhead buffer zone~~ means all land within a one hundred foot buffer around the wellhead protection zone as depicted in Figure 27-375-1.

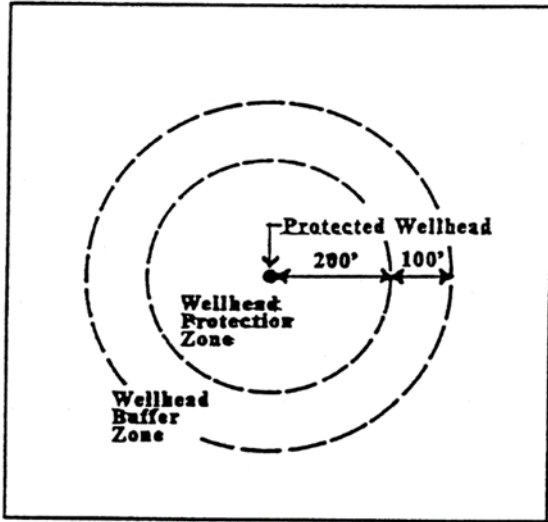


Figure 27-375-1

Wellhead protection zone means all land within a two hundred foot radius of an existing or designated protected wellhead as depicted in Figure 27-375-1.

Sec. 27-576. Definitions.

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

Animated sign means any sign or part of a sign, including the advertising message, which changes physical position by any means of movement.

Art project means any mural, illustration, painting or sculpture that is approved by the city council as art that enhances the commercial district.

Automatic changeable message device means any sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including tri-vision or any multi-prism sign faces.

Billboard means a type of permanent freestanding sign, where the bottom of the sign is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in area.

Building sign means a type of permanent sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of forty five (45) degrees or steeper (see Figure 27-576-1).

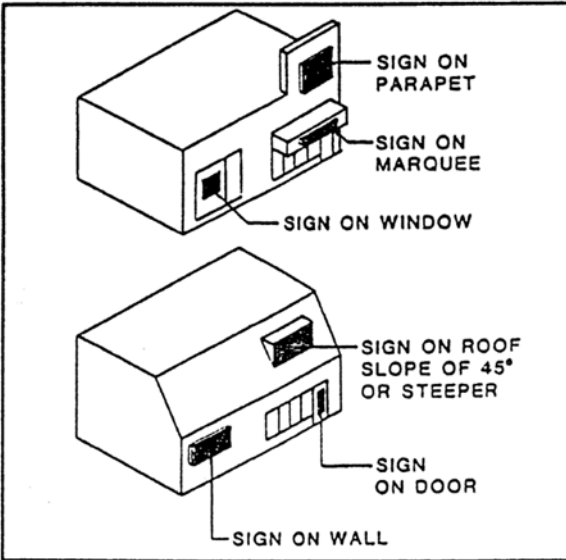


Figure 27-576-1

~~Clear visibility triangle. See definition in article I.~~

~~Facade area means that area of a building within a two-dimensional geometric figure coinciding with the outer edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees of a building which is owned by or under lease to a single occupant (see Figure 27-576-2).~~

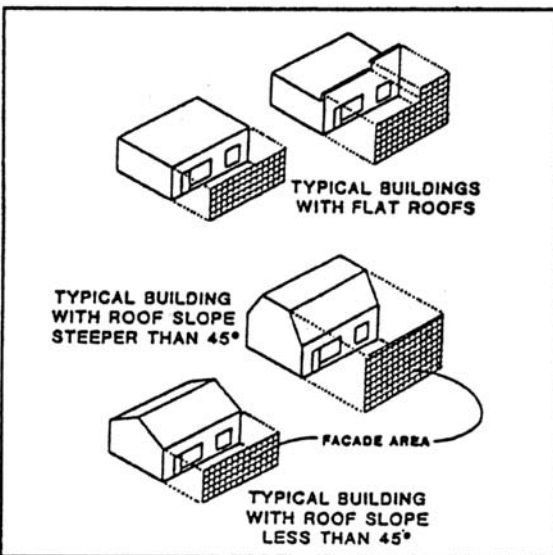


Figure 27-576-2

~~Freestanding sign means any sign, which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any building. Freestanding sign includes pole sign, pylon sign, ground sign or monument sign.~~

~~Geometric shape means any of the following geometric shapes used to determine sign area: square, rectangle, parallelogram, triangle, circle, or semicircle.~~

~~Home occupation.~~ See definition in article I.

~~Illuminated sign~~ means any sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and also shall include signs with reflectors that depend upon automobile headlights for an image.

~~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.

~~Occupant~~ means any single commercial use (i.e., any use other than residential).

~~Permanent sign~~ means any sign, which is designed, constructed, and intended for more than short-term use, including freestanding signs and building signs.

~~Portable sign~~ means any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

~~Rebranding of a sign~~ means any change or alteration in franchise identification or any distinguishing mark, color pattern, logo, symbol, trademark, name, word, phrase, sentence or any combination thereof used to identify, advertise or distinguish the brand, product or service available in or on the property.

~~Repair~~ means to restore to the same condition or state after damage, dilapidation, decay, or partial destruction.

~~Roof line~~ means a horizontal line intersecting the highest point or points of a roof.

~~Roof sign~~ means a sign placed above the roof line of a building or on or against a roof slope of less than forty five (45) degrees.

~~Sandwich board sign~~ means any self-supporting, A-shaped freestanding sign with only two (2) visible sides that are situated adjacent to a business.

~~Sign~~ means any identification, description, illustration, or device illuminated or nonilluminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by federal, state or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all signs shall conform to the requirements of Section 3108 of the Florida Building Code. The term shall exclude architectural features or part not intended to communicate information.

~~Sign area~~ means the area within the smallest regular geometric shape which contains the entire sign copy, but not including any supporting framework, braces or supports.

~~Sign copy~~ means the linguistic or graphic content, including trim and borders, of a sign.

~~Sign face~~ means the part of a sign that is or may be used to display sign copy.

~~Sign height~~ means the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher (see Figure 27-576-4).

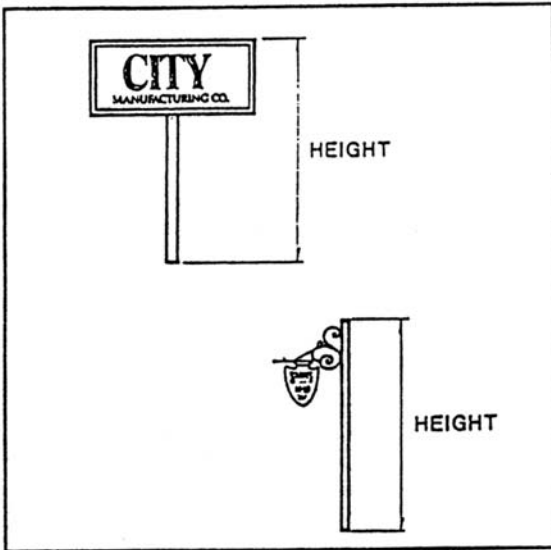


Figure 27-576-4

Sign structure means any construction used or designed to support a sign.

Snipe sign: Any sign of any material, including paper, plastic, cardboard, wood or metal when tacked, nailed or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such sign may or may not be applicable to the present use of the property upon which such sign is located.

Temporary sign means any sign, which is designed, constructed, and intended to be used on a short-term basis. A permanent sign with periodic changes to the message shall not be considered as a temporary sign.

Vehicle sign means any sign affixed to a vehicle.

Wind sign means any device, including but not limited to, one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 27-580 of this Code (see Figure 27-576-5).

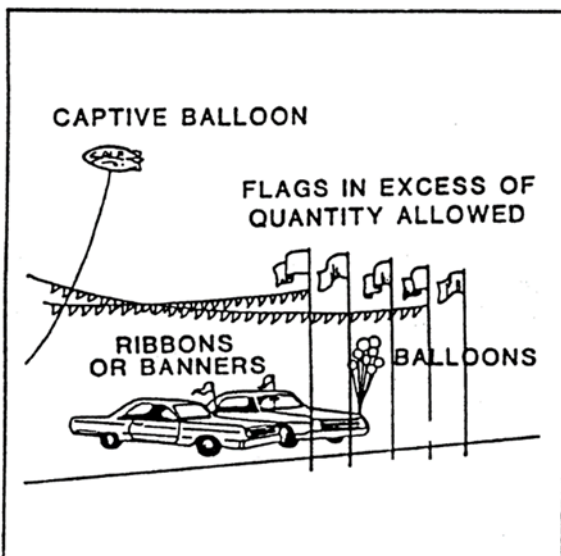


Figure 27-576-5

(Ord. No. 2005-12, § 1, 6-6-05; Ord. No. 2007-16, § 1, 11-5-07; Ord. No. 2010-20, § 1, 12-7-10; Ord. No. [2015-17](#), § 1, 11-2-15)

Sec. 27-15. - Definitions.

For the purpose of this Code, certain terms and phrases are defined. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words and phrases that apply to more than one (1) article or division are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

Abut means to physically touch or border upon; or to share a common property line.

Access means a means of approach or entry to or exit from property.

Accessory apartment means a dwelling unit contained in an owner-occupied building or premises comprising three (3) or less dwelling units, including garage apartments and single-family type buildings used as apartments and sharing a common entrance.

Accessory structure means a subordinate structure customarily incidental to and located upon the same lot occupied by a principal structure, to include, but not limited to, gazebos, permanent storage buildings, noncommercial greenhouses, detached garages, playhouses, and other buildings not designed or intended for habitation, satellite dish antenna, radio antenna, and television antenna, swimming pools, hot tubs, and similar structures, fences, walls and hedges.

Accessory use means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or of the structure and located on the same parcel with the principal use.

Accessway means a roadway, providing access onto a right-of-way (ROW), such as a public or private driveway or alley.

Addition means an extension or increase in floor area or height of a building or structure.

Adjacent means being separated by a common border, or by a road, street or natural feature, but otherwise visually and/or physically connected.

Adult arcade amusement center means a business: (1) that is located on the "premises" of a facility that is licensed by the State of Florida pursuant to F.S. ch. 550; (2) that operates adult arcade amusement machines; and (3) that is licensed under this chapter.

Adult congregate living facility (ACLF) means a type of residential care facility as defined in F.S. ch. 400, pt. II.

Adult day care means a licensed facility as defined in F.S. ch. 400, pt. IV.

Adult entertainment and service means an adult arcade, adult theater, adult bookstore/audio video store, adult motel, or adult dancing establishment; or other establishment or business operated for commercial gain where an employee, operator, or owner exposes his or her specified anatomical area for viewing patrons, including but not limited to, massage establishments, whether or not licensed pursuant to F.S. ch. 480 tanning salons, modeling studios, or lingerie studios.

Aggrieved or adversely affected person means any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development approval.

Agricultural stands mean either tents (including canopies) or mobile units, including trailers, for the sale of unprocessed agricultural products, to include fresh fruits and vegetables, including legumes.

Aisle means the traveled way by which cars enter and depart parking spaces.

Alcoholic beverages include, beer and malt beverages, wine, and liquor, as defined by F.S. Chs. 563, 564 and 565, respectively.

Alley means a special type of street that provides a secondary means of access to lots (section 27-476).

Alteration means any change in size, shape, character or use of a building or structure, or any change in the electric, plumbing, heating/ventilation/air conditioning (HVAC), or gas systems.

Alteration, major of a historically significant structure (section 27-626) means work that will change the original appearance of a historically significant building or structure located within a historic district, as defined in this article, including, but not limited to the following:

- (1) Installation or removal of metal awnings or metal canopies.
- (2) Installation or removal of all decks or porches above the first floor level.
- (3) Installation or removal of all decks or porches that face public rights-of-way.
- (4) Installation of an exterior door or door frame, or the infill of an existing exterior door opening.
- (5) Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
- (6) The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
- (7) The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
- (8) Painting unpainted masonry including stone, brick, terra-cotta and concrete.
- (9) Installation or removal of railings or other wood, wrought iron or masonry detailing.
- (10) Abrasive cleaning of exterior walls.
- (11) Installation of new roofing materials, or removal of existing roofing materials.
- (12) Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
- (13) Installation of new exterior siding materials, or removal of existing exterior siding materials.
- (14) Installation or removal of exterior skylights.
- (15) Installation of exterior screen windows or exterior screen doors.
- (16) Installation of an exterior window or window frame or the infill of an existing exterior window opening.

Alteration, minor of a historic structure (section 27-626) means work that is not ordinary maintenance as defined in this article but that will not result in a change to the original appearance, as defined in this article.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Amenity means a natural, historic or manmade feature which enhances or makes more attractive or satisfying a particular property.

Animated sign means any sign or part of a sign, including the advertising message, which changes physical position by any means of movement.

Apartment means a dwelling unit contained in a building comprising two (2) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

Art project means any mural, illustration, painting or sculpture that is approved by the city council as art that enhances the commercial district.

ASCE 24. A standard titled "Flood Resistant Design and Construction" that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Automatic changeable message device means any sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including tri-vision or any multi-prism sign faces.

Awning or canopy means any shelter, supported partially or entirely from the exterior wall of a building.

Bar, saloon or tavern means any establishment devoted primarily to the sale and on-premises consumption of malt, vinous or other alcoholic beverages.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement means that portion of a building having its floor below ground level on all sides.

Bed and breakfast means a commercial establishment housed in a building or part thereof, other than a motel or hotel, that offers overnight accommodations and a breakfast for a daily charge and which also serves as the primary residence of the operator or owner.

Bikeway (section 27-476) means any transportation facility which is specifically designated for bicycle use, whether or not such facility is designated for the exclusive use of bicyclists or is to be shared with other vehicles.

Billboard means a type of permanent freestanding sign, where the bottom of the sign is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in area.

Block means a parcel of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as waterbodies or public open space, and not traversed by a through street.

Boarding (lodging, rooming) house means a building or part thereof, other than a hotel, motel, or restaurant, where lodging and/or meals are provided for compensation.

Boatyard means a facility for the construction or major repair of watercraft including overhaul of hull, engines and other major components.

Breezeway means a roofed, open-sided passageway, for connecting a principal structure to an accessory structure.

Bufferyard means an area of land, together with specific type and amount of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Buildable area means the portion of a lot remaining after required yards have been provided.

Building means any structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition

shall include tents, awnings, cabanas or vehicles situated on private property and serving in any way the function of a building; but it does not include screened enclosures not having a roof impervious to weather.

Building elevation means the intervening distances above the curb level at which the ground or first floor of a building is erected.

Building, principal means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building setback means the minimum horizontal distance between the front, rear, or sidelines of the lot and the front, rear, or sidelines of the structure.

Building sign means a type of permanent sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of forty-five (45) degrees or steeper (see Figure 27-576-1).

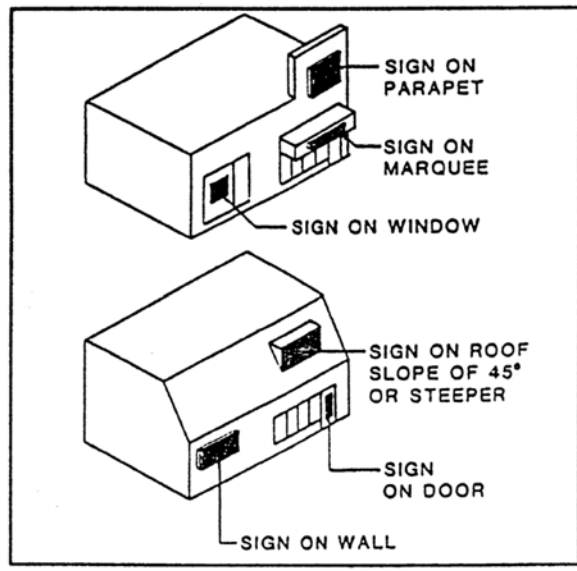


Figure 27-576-1

Bus or other transportation terminal means any establishment that offers transportation to a group of persons. Freight or truck terminals and similar uses shall not constitute a use under this definition.

Business school means an establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities.

Capacity, available means that portion of the design capacity that can be reserved on a first-come-first serve basis.

Capacity, design means the maximum level of service that the public facility is capable of providing at the adopted level of service standard.

Capacity, improvement means added facility capacity that will result from capital improvements made by the city or by a developer.

Capacity, reserved means that portion of the design capacity that has been reserved for valid concurrency certificates and for developments that were issued a development permit prior to April 1, 1990.

Capacity, used means that portion of the design capacity that is allocated for and serves existing development.

Capital improvement includes the purchase, construction, or improvement of a public facility which has an estimated cost of twenty-five thousand dollars (\$25,000.00) or more.

Capital improvements element means that part of the comprehensive plan.

Car sales or motor vehicle sales means a lot or group of contiguous lots, used for the storage, display, and sales of new and used automobiles. The term shall not be construed to include the storage, display, or sale of motorhomes or similar vehicles or boats.

Car wash means establishments primarily engaged in washing cars or in furnishing facilities for the self-service washing of cars.

Champion trees are those trees that have been identified by the state division of forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the U.S.

Change of occupancy means a discontinuance of an existing commercial activity or residency and the establishment of a new commercial activity or permanent residency.

Change of use means any use which substantially differs from the previous use of a building or land as discussed in Chapter 3 of the Florida Building Code.

Child day care means a licensed facility which during a part of a twenty-four-hour day regularly gives care to unrelated children, as discussed in the F.S. § 402.302.

Clear cutting means the removal from a parcel of land of all natural vegetation such as trees, shrubs and vines.

Clear visibility triangle means that area formed by connecting a point on each curbline or edge of pavement to be located at the distance from the intersection of the street centerlines as required, and a third line connecting the two (2) points as depicted in Figure 27-15-1.

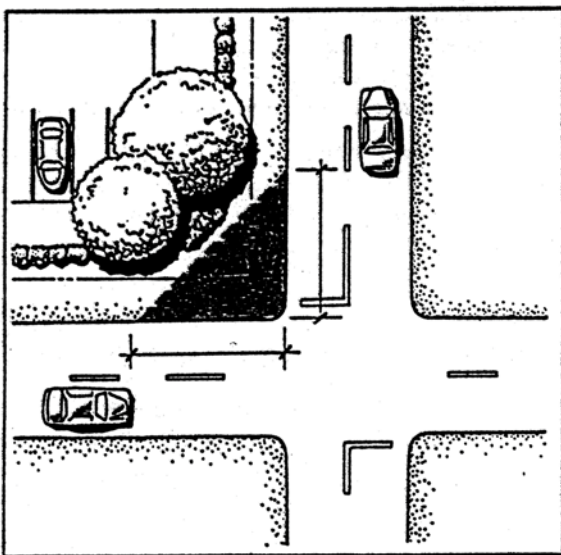


Figure 27-15-1

Clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of medical care, whether such persons are medical doctors, chiropractors, osteopaths, chiropractists, naturopath, optometrists, dentists, or any such profession, the practice of which is legal in the State of Florida.

Coastal building zone means the land area from the seasonal high water line to a line one thousand five hundred (1,500) feet landward from the coastal construction control line.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

College, university, community college means a degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools (architectural, dental, engineering, law, medical, etc.). Accessory uses under this definition include but are not limited to, dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas and auditoriums.

Commercial vehicle means any motor vehicle licensed by the state as a commercial vehicle, any vehicle designed for a commercial or industrial function, or any vehicle marked with commercial advertising.

Community center means a building or lands open to the public and used for recreational, social, educational, and cultural activities, usually owned and operated by public or nonprofit group or agency.

Comprehensive plan means the current comprehensive plan, as amended that the City of Neptune Beach adopted pursuant to F.S. ch. 163, pt. II, including all elements and sub-elements, and not including the text, maps, figures and tables prepared to support the adopted comprehensive plan.

Concurrency means a condition where development has, or will have, the necessary public and/or private facilities and services at the adopted level of service standard concurrent with the impacts of the development.

Concurrency certificate means a certificate that indicates whether the proposed development is exempt from concurrency requirements or whether there is adequate capacity for concurrency if the proposed development is approved or approved with conditions.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Condominium means a building or group of buildings in which units are owned by one (1) or more persons and in which there is appurtenant to each unit an undivided share in common elements.

Cul-de-sac (section 27-476) means a local street that terminates in a vehicle turnaround.

Day means a working day, unless a calendar day is indicated.

Day spa means any business that provides beauty, cosmetic and therapeutic services, administered by licensed professionals in which the customers are not lodged overnight. Day spas at a minimum shall include nonsurgical cosmetic treatments, periodic medical cosmetic treatments and massage therapy. Other allowable services are limited to, hair styling, facials, waxing, body wraps, salt scrubs, skin exfoliations, manicures and pedicures.

Demolition means the act or process of demolishing; to tear down, destroy, raze or remove all or a significant portion of a building or structure, and including partial demolition.

Density means the ratio of the number of dwelling units to the gross area of the lands on which such dwelling units are located. Where used in the ULDC, density shall mean gross density. Gross density includes all of the land within a particular area, excluding nothing.

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a one (1) percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Detached garage means a single story, accessory building that is located at least ten (10) feet from the principal structure, designed and used for the storage of motor vehicles (see Ord. No. 2001-08).

Developable land means all of a parcel of land except lands lying within proposed public rights-of-way; marshlands, swamps, floodplains or other environmentally sensitive lands where local, state or federal regulations otherwise prohibit development; and bodies of water such as ponds, lakes and reservoirs, either natural or manmade.

Developed (section 27-445) means that point in time when the building and site have received final inspections and certificates of occupancy issued.

Developer means any person who engages in or proposes to engage in a development activity as defined in this Code either as the owner or as the agent of a property owner.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Development or development activity includes any of the following activities:

- (1) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site;
- (2) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system and including the long-term storage of materials;
- (3) Subdividing land into two (2) or more parcels;
- (4) Removal of protected trees;
- (5) Erection of a permanent sign unless expressly exempted;
- (6) Changing the use of a site so that the need for parking is increased; and
- (7) Construction, elimination, or alteration of a driveway onto a public street.

Development permit means an official document of the city which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: All types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Divided roadway (section 27-473) means any roadway where the travel lanes are divided to protect environmental features or avoid excessive grading. In the case of a divided roadway, the design standards shall be applied to the aggregate dimensions of the two (2) street segments.

Drip line (section 27-445) means the vertical line running through the outermost portion of the tree crown extending to the ground.

Duplex means a building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling means a building, or a portion of a building, designed exclusively for residential occupancy, including single family, two-family (duplex), townhouses, and multifamily, but not including hotels, motels or boarding houses.

Dwelling unit means a single housing unit providing complete, independent living facilities for one (1) housekeeping unit, including permanent provisions for living, sleeping, eating, storage or preparation of food and sanitation. This definition includes site built homes and modular homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Standard Building Code.

Electronic game promotions means a business which, conducts giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions that do not otherwise violate Florida law. This includes but is not limited to, electronic equipment used to display the results of a drawing by chance conducted in connection with the sale of a consumer product or service or game promotion by simulating a game or games ordinarily played on a slot machine. It also includes the conduction of drawings by chance conducted in connection with the sale of a consumer product or service and game promotions, and to regulate all operators who utilize electronic equipment for that purpose in accordance with the provisions of F.S. §§ 849.0935 and 849.094, regardless of whether said operators are required to register with the State of Florida pursuant to F.S. § 849.094.

Emission control facility means a facility specifically operated for the testing of the emission control system of a motor vehicle (automobile, truck, or semi-truck).

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Endangered species means any flora or fauna that is so designated in Section 39.27.003, Florida Administrative Code or in 50 CFR 17.11-12.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before March 15, 1977. [Also defined in FBC, B, Section 1612.2.]

Facade area means that area of a building within a two-dimensional geometric figure coinciding with the outer edges of the walls, windows, doors, parapets, marquees, and roof slopes greater than forty-five (45) degrees of a building which is owned by or under lease to a single occupant (see Figure 27-576-2).

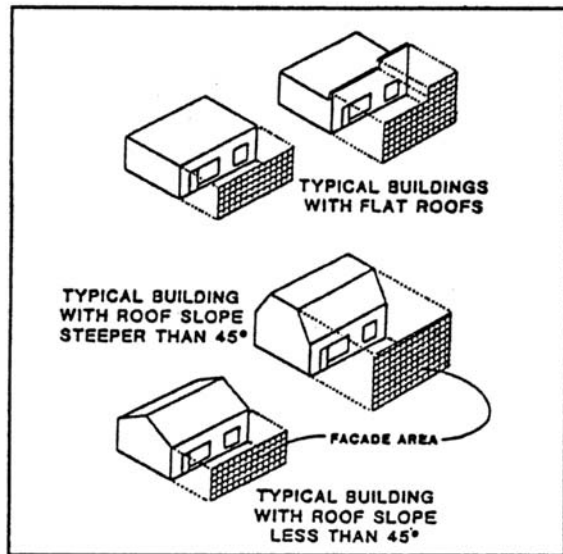


Figure 27-576-2

Family means one (1) or more persons occupying and living in a single dwelling unit; provided that unless all members are related by law, blood, adoption or marriage, no family shall contain more than four (4) unrelated persons. Domestic servants are excluded.

Family amusement arcade means a business which, in addition to a food and beverage business for which it possesses state and local licenses, also operates an integrated arcade business that complies with F.S. § 849.161(1)(a)1., catering primarily to families and minors.

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Final development order means the final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas a development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

Final development plan means a completed drawing, sketch, site plan, construction drawings or schematic or any other related documents either drawn or written that has been certified by a registered surveyor or engineer if applicable, that shows the intended use of the property and design features pertinent to its potential development, and is completed for approval.

Financial services include banks, savings and loan associations, loan companies, mortgage brokers, stockbrokers and similar institutions.

Five-year schedule of capital improvements means that schedule adopted as part of the comprehensive plan.

Flood or flooding means a temporary partial or complete inundation of normally dry land from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation of runoff or surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's Flood Hazard Map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of the ordinance from which this chapter derives (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with chapter 27, article VIII.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Footprint means the shape of a building's base area within the perimeter of a building's foundation.

Freestanding sign means any sign, which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any building. Freestanding sign includes pole sign, pylon sign, ground sign or monument sign.

Frontage means all property abutting on one (1) side of a street.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Functionally water-dependent use means a use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking, loading and unloading of cargo or passengers, ship building and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

Funeral establishment means a facility as defined in F.S. ch. 470.

Future land use map means the map adopted as part of the comprehensive plan depicting the land use designations throughout the city that may be amended from time to time.

Garage means a building or space used for the storage of motor vehicles.

Garage, parking means a building or portion thereof designed or used for temporary parking of motor vehicles.

Garage apartment. (Ord. No. 2001-10) See "accessory structures".

Gas station, automotive or service station means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automotive or alternative fuels, oils or accessories with or without any automotive servicing.

Geometric shape means any of the following geometric shapes used to determine sign area: square, rectangle, parallelogram, triangle, circle, or semicircle.

Grade means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished grade level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the property line or between the building and a point six (6) feet from the building, whichever is closer to the building.

Gross area means the entire area, without exception.

Gross density or density means the ratio of the total number of dwelling units to the gross site area.

Gross floor area means the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

Gross site area means the total area of a lot or parcel, less any public right-of-way.

Group home means a dwelling unit licensed to serve clients of the HRS, providing a living environment for residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents.

Hedge means a fence formed by a row of closely planted shrubs or bushes, typically of such species as English Privet, Indian Hawthorne, Ligustrum or other such evergreen species. This definition is not intended to include other closely planted species commonly referred to as flowering plants such as azaleas, roses, or other such plants that are not usually planted to establish a boundary or fence-like effect.

Height, building means the vertical distance measured from the greater of one (1) foot above the crown of the road in front of the building or proposed building or the average of the natural existing grade. The point of reference for determining the height of a commercial building that has site development characteristics governed by the coastal construction control line (CCCL) will be the minimum elevation required for habitable space required by the Florida Administrative Code.

Heritage tree means any tree that because of its age, size, type, historical association or horticultural value is of special importance to the city.

Historic district (section 27-626) means a geographical area designated pursuant to this article that contains one (1) or more landmarks and which may have within its boundaries or other buildings or structures, that while not of such historical, cultural, archaeological, or architectural significance as to warrant designation as landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmarks located within the district.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Historically significant means any structure or area that is listed on the National Register of Historic Places, the Florida Master Site File, or local registry.

Home occupation shall mean an accessory use conducted entirely and carried on by the members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital means a facility as defined in F.S. Ch. 395, pt. I.

Hotel or motel means a building or group of buildings in which rental units are offered to the public at a daily charge. The building or buildings may include such ancillary uses as a coffee shop, dining room, restaurant, meeting rooms, and similar uses intended as a service to the overnight guests. Multiple-family dwellings and rooming or boardinghouses, where rentals are for periods of a week or longer, shall not constitute a use under this definition.

Household pet means any domestic animal normally owned or kept as a pet, including cats, dogs, and other animals deemed by the city manager or designee to be appropriate as domestic pets. Poultry, hoofed animals of any type, predatory animals, or any animals which are normally raised to provide food for people shall not be considered to be household pets.

HRS means the Florida Department of Health and Rehabilitative Services.

Illuminated sign means any sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and also shall include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, buildings, roofs, concrete, sidewalks, driveways, pools, and pavement areas, and semi-impervious surfaces such as compacted clay and other similar surfaces.

Improvement means any manmade, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Intensification of use means a change in a property, structure, or use resulting in increased requirements for parking, egress, occupancy load, or fire regulations, or expansion of electrical, mechanical or plumbing systems.

Kennel means any lot or premises on which three (3) or more dogs over four (4) months old are kept for boarding, training or sale.

Kitchen means an area equipped for food storage, preparation, and/or cooking in one (1) household.

Land includes the words marsh, water and swamp.

Landmark (section 27-626) means a building or structure designated as such by an ordinance of city council, that is worthy of protection, rehabilitation, and restoration because of its historical, cultural, archaeological and/or architectural significance to the City of Neptune Beach, the county, state or nation.

Laundromat means a business that provides coin-operated washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light manufacturing means the manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing and storage of materials must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property line. Light manufacturing shall be limited to the production of the following goods: Electrical instruments, office machines, precision instruments, electronic devices, optical goods, musical instruments, cabinet making, ceramics, apparel, light sheet metal products, plastic goods, glassware, pharmaceutical goods and food products, but not animal slaughtering or curing.

Performance standards: All activities shall be in conformance with standards established by the county, state and federal government. Activities shall emit no obnoxious, toxic, or corrosive dust, dirt, fly ash, fumes, vapors or gases which can cause damage to human health, to animals or vegetation, or to other forms of property.

- (1) Any business that receives a special exception from the city council for light manufacturing must provide a landscape buffer that meets the requirements of subsection 27-459(3)b. of this Code, unless the business for which the special exception is granted already has a landscape buffer that was previously approved as part of the development review process.
- (2) Any use which requires a Title V General Permit or a non-Title V General Permit from the Florida Department of Environmental Protection's Air Resource Management Division is not eligible for special exception approval.
- (3) Light manufacturing facilities shall be limited to ten (10) employees or less.
- (4) The light manufacturing operation shall be self-contained inside the permanent structure and shall not be conducted outdoors, in order to minimize noise, glare, odor, etc.

Liquor license means a license issued by the state for the retail sale, service, and on- or off-premises consumption of liquor, beer or wine.

Living area means the area inside the walls enclosing the living unit, excluding service and utility areas, building storage areas, stair wells, or open or screened porches and patios.

Loading space (section 27-536) means a portion of the vehicle accommodation area or a portion of the principal building set aside for parking one (1) vehicle for the purpose of unloading or loading said vehicle.

Local street (section 27-473) means a roadway which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself and no more than one thousand six hundred (1,600) vehicles per day.

Lot means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purpose of transfer of title.

Lot, corner means a lot abutting upon two (2) or more streets at their intersections (see Figure 27-15-2).

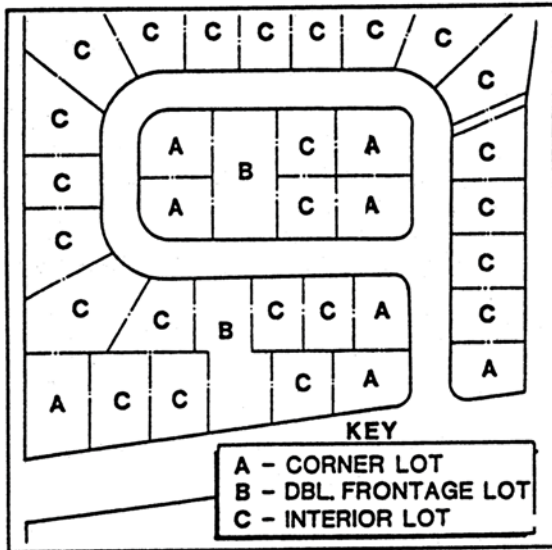


Figure 27-15-2

Lot, double frontage means any interior lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot (see Figure 27-15-2), or oceanfront lots.

Lot, interior means a lot other than a corner lot (see Figure 27-15-2).

Lot, width means the distance measured in a straight line along the street right-of-way between the side lot lines as measured at the front building restriction line.

Lot coverage means the area of a lot or parcel of land that is occupied or covered by any impervious surface.

Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the Office of the Clerk of the Circuit Court of Duval County, Florida, as of the effective date of this Code.

Lowest adjacent grade means the lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Major deviation means a deviation other than a minor deviation, from a final development plan.

Major recreational equipment means any large motorized or nonmotorized vehicle used for recreational purposes, such as motorhomes, trailers, campers and camper shells, boats and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of

construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

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.

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. (Occupant means any single commercial use (i.e., any use other than residential).

Net usable acreage means the square footage of a parcel land that has the ability to be developed after factoring out such items as jurisdictional wetlands, waterbodies or any other feature precluding development.

New construction. For the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 15, 1977, and includes any subsequent improvements to such structures.

Night club means a restaurant, dining room, bar or other similar establishment providing food or refreshments, wherein paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise.

Nonconforming development means any structure or use of a structure which on the effective date of this Code does not conform to the provisions for the district in which said lot is located.

Nonconforming lot of record means any lot which, on the effective date of this Code, or any date thereafter, does not conform to the lot area or width requirements established for the district in which said lot is located.

Nonconforming sign means any sign so designated by section 27-707 of this Code.

Nonresidential district includes the following zoning districts: C-1, C-2, C-3, CBD, and conservation.

Nursing home means a facility as defined in F.S. Ch. 400, pt. I.

Oceanfront lot means any parcel of land that abuts the Atlantic Ocean at the east property line.

Office means any establishment that conforms to the following characteristics:

- (1) No retail sales, display or storage of merchandise;
- (2) No manufacture, repair or work of a mechanical nature;
- (3) No machinery, except for normal office equipment such as typewriters, calculators and computers.

Off-street loading means loading spaces located beyond the right-of-way of a street or highway.

Off-street parking means parking spaces located beyond the right-of-way of a street or highway.

Open space means the total amount of open space between and around structures including necessary outdoor living space, outdoor recreation space, outdoor parking space, and streets in the project other than existing arterial streets.

Ordinary maintenance (section 27-626) means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration or decay.

Original appearance (section 27-626) means that appearance (except for color) which closely resembles the appearance of either: (1) the feature on the building as it was originally built or was likely to have been built; or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

Outdoor living space means the total outdoor area including required outdoor recreation space, but excluding buildings, garages, carports, driveways, roadways, or parking areas. The outdoor living space is part of the required open space.

Outdoor recreation space means the total amount of usable area permanently set aside or designed specifically for recreation space for the development.

Overlay district means a district in which additional development restrictions or protective measures are imposed in addition to the zoning district regulations which apply within the zone.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Owner of record (section 27-626) means the person, corporation, or other legal entity listed as owner on the records of Duval County, Florida.

Package liquor store means any establishment where alcoholic beverages with an alcoholic content in excess of fourteen (14) percent are dispensed or sold in containers for consumption off the premises.

Parcel means a unit of land within legally established property lines.

Park means a tract of land, designated and used by the public for active and passive recreational purposes.

Parking lot or vehicle accommodation area means an area, or plot of ground, used for the storage or parking of motor vehicles, either for compensation or to provide an accessory service to a business, industrial or residential use.

Parking space means a portion of a parking lot in which one (1) motor vehicle is to be parked.

Permanent sign means any sign, which is designed, constructed, and intended for more than short-term use, including freestanding signs and building signs.

Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

Pharmacy means an establishment wherein the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where nonmedical products such as greeting cards, magazines, cosmetics and photographic supplies may also be sold.

Phasing means the incremental staging of development.

Plat, replat, amended plat, or revised plat means a map or drawing upon which an exact representation of a subdivision of lands and other information is presented in compliance with the requirements of all applicable sections of this Code.

Portable sign means any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

Portable storage unit means any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Preliminary development order means any preliminary order that grants, denies, or grants with conditions a development project or activity. A preliminary development order that grants approval does not authorize actual construction, mining or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include future land use map amendments, comprehensive plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Preliminary development plan means a conceptual drawing, sketch, or schematic or any other document either drawn or written, that shows the intended use of the property and design features pertinent to its potential development.

Premises means a building or structure and its grounds including parking lots. (Proposed definition)

Principal arterial (section 27-475) means a roadway that is part of an interconnected network of continuous routes serving transportation corridors with high traffic volumes and long trips, the primary function of which is to provide safe and efficient service for major traffic movements in which access is subordinate.

Principal structure means the primary dwelling unit or structure located on the lot that houses a principal use, and not any other accessory structure or building.

Private club means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Projected impact means the calculated usage of a facility.

Protected wellhead means those wellheads with a permitted capacity of one hundred thousand (100,000) GPD or more.

Public facility(ies) includes any or all of the following: Roads, sanitary sewer, potable water, drainage, solid waste, and/or recreation and open space.

Public park/recreation area means a tract of land within a municipality or unincorporated area which is kept for ornament and/or recreation and which is maintained as public property.

Quasi-judicial, (adj.) means relating to a judicial act performed by an official who is not a judge. Quasi-judicial acts are subject to review by courts.

Radio/television broadcasting studio means a facility for the production and broadcast of radio and television shows including things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Code.

Rebranding of a sign means any change or alteration in franchise identification or any distinguishing mark, color pattern, logo, symbol, trademark, name, word, phrase, sentence or any combination thereof used to identify, advertise or distinguish the brand, product or service available in or on the property.

Recreation vehicle means a vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

Recycling collection center means a facility where recovered materials (generally newspapers, plastics, metals, glass and paper) are delivered for further processing (sorting, baling, condensing, etc.) for shipment to recovered material markets.

Regulated tree means any tree that is at least six (6) inches in diameter or two (2) feet in circumference, whichever is lesser at a point 4.5 feet above ground level and/or requires a permit for removal or relocation.

Remove (section 27-626) means to relocate a building or structure on its site or to another site.

Repair means restoration of portions of a building to its condition as before decay, wear, or damage, but not including alteration of the shape or size of any portion.

Repair (sign) means to restore to the same condition or state after damage, dilapidation, decay, or partial destruction.

Replacement stock (section 27-445) means any immature tree, other than palm trees, with a minimum diameter of two (2) inches at ground level and having a height of at least four (4) feet.

Residence, multifamily means any residential structure containing three (3) or more separate dwelling units.

Residence, single-family means a structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.

Residence, two-family (duplex) (See definition of "duplex").

Residential treatment facility means a facility other than a hospital, nursing home, or group care home, having one (1) or more supervisors residing on the premises and providing board, lodging, medication and other treatment and counseling for persons progressing from relatively intensive treatment for criminal conduct, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions, as well as providing relatively intensive diagnostic or therapeutic services for alcoholism, drug abuse, mental illness, emotional problems, developmental disabilities or similar conditions for its residents. Nothing shall prevent a residential treatment facility from having outpatients. The residents are generally intending to return to full normal participation in community life.

Restaurant, carry-out and delivery means any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state for consumption off-premises and whose principal method of operation includes pick-up by the customer or delivery by an employee.

Restaurant, fast-food means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state for consumption either within the building or for

carry-out with consumption off the premises, and whose principal method of operation includes service of foods, frozen deserts or beverages in edible containers or in paper, plastic, or other type of disposable containers.

Restaurant, interior service means any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state and whose principal method of operation includes service by a restaurant employee at a table or counter at which said items are consumed on-premises. A cafeteria shall be deemed an interior service restaurant.

Retail, furniture and appliance means establishments primarily engaged in the retail sale of household or office furniture, appliances, floor coverings and miscellaneous furnishings.

Retail, general means any establishment that sells products at a retail level.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain, or any other legal means.

Roof line means a horizontal line intersecting the highest point or points of a roof.

Roof sign means a sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sandwich board sign means any self-supporting, A-shaped freestanding sign with only two (2) visible sides that are situated adjacent to a business.

Seat means (for the purposes of determining the number of off-street parking spaces) the number of chairs, stools or each twenty-four (24) inches of benches or pews, installed or indicated. For areas without seating, such as standing space, dance floors, bars, etc. each seven (7) square feet of floor space shall constitute a seat.

Shopping center means a group of retail stores or service establishments planned and developed as a unit by one (1) operator, owner, organization, or corporation for sale or for lease upon the site on which they are built.

Short-term rentals means the rental of a private dwelling, including, but not limited to, a single-family home, a townhouse, duplex, triplex, multifamily, condominium, or the like which is rented, leased or advertised for a term period less than twenty-eight (28) days. Short-term rentals shall be considered to be "commercial uses" as are motels, motor lodges, resort rentals, bed and breakfasts or tourist court uses.

Sign means any identification, description, illustration, or device illuminated or nonilluminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by federal, state or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all signs shall conform to the requirements of Section 3108 of the Florida Building Code. The term shall exclude architectural features or part not intended to communicate information.

Sign area means the area within the smallest regular geometric shape which contains the entire sign copy, but not including any supporting framework, braces or supports.

Sign copy means the linguistic or graphic content, including trim and borders, of a sign.

Sign face means the part of a sign that is or may be used to display sign copy.

Sign height means the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher (see Figure 27-576-4).

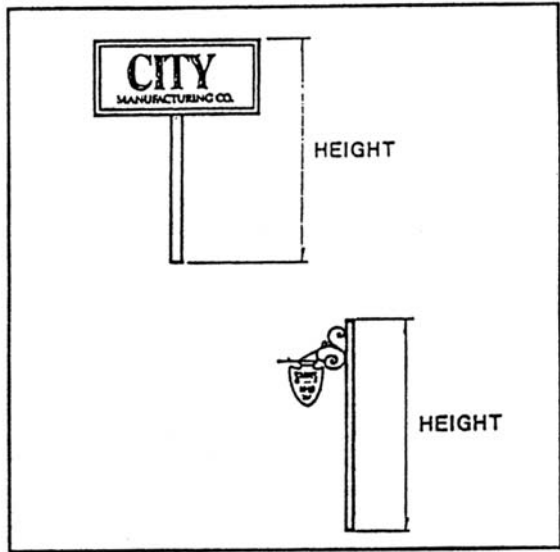


Figure 27-576-4

Sign structure means any construction used or designed to support a sign.

Single-family lot (section 27-445) means an area of land not larger than five (5) acres in size, developed for and restricted to, a single-family residence.

Snipe sign: Any sign of any material, including paper, plastic, cardboard, wood or metal when tacked, nailed or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such sign may or may not be applicable to the present use of the property upon which such sign is located.

Social, fraternal club and lodge means a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements, and includes Knights of Columbus, Masons, Moose, Elks, etc.

Special exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zones A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Species of special concern (section 27-422) means any flora or fauna designated as such by the State of Florida.

Start of construction. The date of issuance if a building permit for new construction and/or substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a

building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Story means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or the roof.

Street, collector means a road designed primarily to connect local streets with arterials, as designated in the Neptune Beach Comprehensive Plan.

Street, cul-de-sac (section 27-476) means a local street that terminates in a vehicle turnaround.

Street, local (section 27-476) means a roadway which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself and no more than one thousand six hundred (1,600) vehicles per day.

Street, principal or minor arterial means a part of the roadway system serving as a principal network for through traffic flow, including all state roads and any other roadway serving a similar function as designated in the Neptune Beach Comprehensive Plan.

Structurally altered means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor or roof joists or trusses.

Structure means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. It also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and signs.

Structure (section 27-626) includes, but is not limited to, buildings, walls, gates, monuments and fountains.

Subdivision means any subdivision or resubdivision of a subdivision, tract, parcel or lot of land into two (2) or more lots or parcels by means of mapping, platting, conveyance, change or rearrangement of boundaries.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure, provided the alteration will not preclude the structure's continued designation as a historic structure.

Swimming pool means a structure above or below ground level used for bathing, wading, or swimming purposes and being over twenty-four (24) inches deep at any point from the top of the structure wall to the bottom of the structure.

Tandem parking space means a parking space that abuts a second parking space in such a manner that vehicular access to the tandem space can be made only through the second parking space.

Temporary sign means any sign, which is designed, constructed, and intended to be used on a short-term basis. A permanent sign with periodic changes to the message shall not be considered as a temporary sign.

Temporary structure means a subordinate structure that is intended to occupy a portion of the lot in which the principal structure resides, for only such time as the use is necessary and is further specified by this Code, to include but not limited to, portable storage units commonly referred to PODS, canopies, tents, fences of a transient nature such as barricades.

Theater means an establishment offering live presentations or showing motion pictures to be viewed in an auditorium.

Threatened species means any flora or fauna that is so designated in Section 39-27.004, Florida Administrative Code or in 50 CFR 17.11-12.

Townhouse means a single-family dwelling constructed in a series or group of attached units in which each unit has its own front and rear access to the outside and no unit is located over another unit, with property lines and fire walls as required by the Florida Building Code, separating each unit.

Trade school means an establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, machinery repair and operation, welding, fabrication and the like.

Tree (section 27-445) means any living self-supporting perennial plant which has a trunk diameter of at least four (4) inches measured three (3) feet above grade (at the base of the tree) and normally grows to a minimum overall height of fifteen (15) feet.

Trees planted for harvest (section 27-445) means all trees which have been planted, or shall be planted with the bona fide intention at the time of said planting to commercially harvest said trees in the future. These trees shall include, by way of illustration and not limitation, Christmas trees, slash pines, and pulpwood.

Use means the purpose for which land or water or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained.

Variance means a grant of relief from the requirements of chapter 27, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by chapter 27 or the Florida Building Code.

Vehicle sign means any sign affixed to a vehicle.

Veterinary clinic means a facility that has been issued a premises permit to engage in the practice of veterinary medicine as provided for in F.S. Ch. 474.

Vocational school means an establishment in which is offered, for compensation, instruction in a vocation such as, but not limited to, barbering, cosmetology, hair styling, bartending and interior decorating.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Wellhead buffer zone means all land within a one hundred-foot buffer around the wellhead protection zone as depicted in Figure 27-375-1.

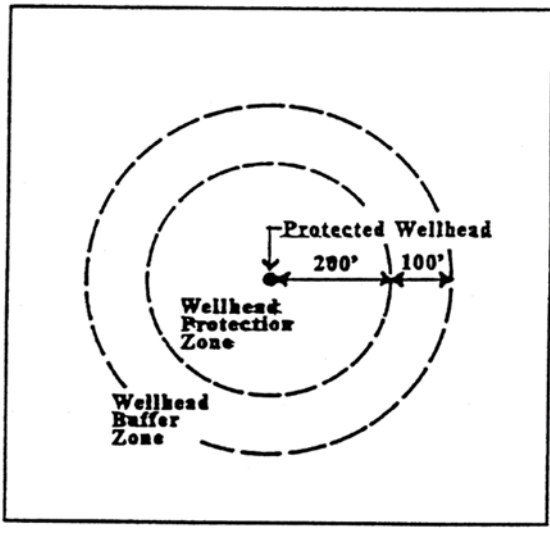


Figure 27-375-1

Wellhead protection zone means all land within a two hundred-foot radius of an existing or designated protected wellhead as depicted in Figure 27-375-1.

Wetlands protection zone/wetlands, jurisdictional shall have the same meaning as the definition of "wetlands" set forth in F.S. § 373.019(22), as may be amended from time to time. The delineation of jurisdictional wetland boundaries shall be made by professionally accepted methodology consistent with the unified state-wide methodology for the delineation of the extent of wetlands ratified by the state legislature pursuant to F.S. Ch. 373.

Wholesale sales means any establishment engaged in on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wind sign means any device, including but not limited to, one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 27-580 of this Code (see Figure 27-576-5).

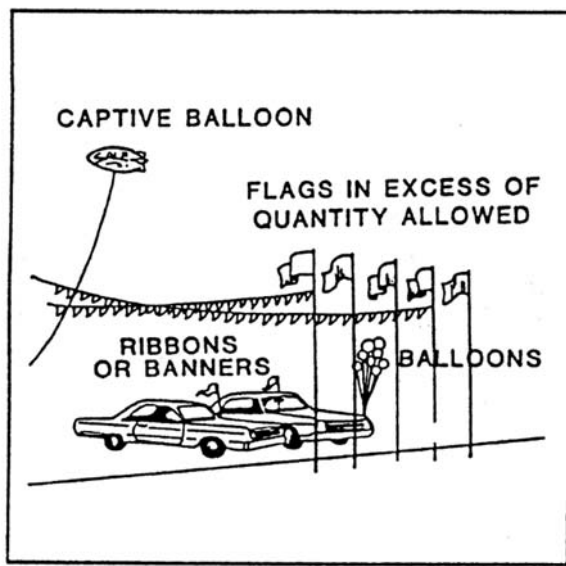


Figure 27-576-5

Worship facility means a building used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; but not including child day care centers, community recreation facilities, and private primary and/or secondary educational facilities. Churches, synagogues and temples shall constitute a worship facility.

Written or in writing means any representation of words, letters or figures, whether by printing or otherwise.

Yard means an open space on the same lot with a building or proposed building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, corner side means the yard extending along the street upon which it has the largest exterior frontage. (See Figure 27-15-2.)

Yard, front means a yard that extends across the front of a lot between the lot lines, from the front line of any building or proposed building, excluding steps, to the front of the lot. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least exterior frontage. (See Figure 27-15-3.)

Yard, rear means a yard that extends across the rear of a lot between the side lot lines and measured between the rear line of the lot and the rear line of the building or proposed building, excluding steps and unenclosed porches. (See Figure 27-15-3.)

Yard, side means a yard between any building or proposed building and the side line of the lot, and extending from the front yard line to the rear building line, excluding steps.

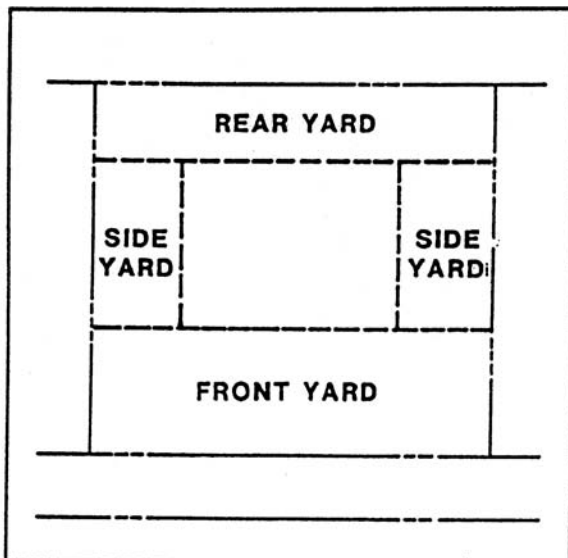


Figure 27-15-3

Year means a calendar year, unless otherwise indicated.

Zoning map means that map adopted by reference in section 27-9.

Zoning permit means a permit that is issued by the city manager or designee after determining that the proposed use is consistent with the uses permitted in that zoning district.

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

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Elaine Brown
Vice Mayor Scott Wiley
Councilor Rory Diamond
Councilor Richard Arthur
Councilor John Jolly

Passed on First Reading this ____ day of _____, 2017.

VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:

Mayor Elaine Brown
Vice Mayor Scott Wiley
Councilor Rory Diamond
Councilor Richard Arthur
Councilor John Jolly

Passed on Second and Final Reading this ____ day of _____, 2017.

Elaine Brown, Mayor

ATTEST:

Amanda Askew, Acting City Clerk

Approved as to form and content:

Patrick Krechowski, City Attorney