



**CITY OF ATLANTIC BEACH
COMMUNITY DEVELOPMENT BOARD
REGULAR MEETING AGENDA**

Tuesday / August 15, 2017 / 6:00 PM
Commission Chambers / 800 Seminole Road

1. Call to Order and Roll Call.

2. Approval of Minutes.

3. Old Business.

4. New Business.

A. Ord. No. 90-17-228 **PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, ESTABLISHING THE MAYPORT BUSINESS OVERLAY DISTRICT; AMENDING CHAPTER 24, ARTICLE III, DIVISION 7, TO ADD NEW SECTION 24-175, MAYPORT BUSINESS OVERLAY DISTRICT; PROVIDING FOR A LIST OF PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5. Reports.

A. Administrative Variances Approved (None)

6. Adjournment.

All information related to the item(s) included in this agenda is available for review online at www.coab.us and at the City of Atlantic Beach Community Development Department, located at 800 Seminole Road, Atlantic Beach, Florida 32233. Interested parties may attend the meeting and make comments regarding agenda items, or comments may be mailed to the address above. Any person wishing to speak to the Community Development Board on any matter at this meeting should submit a Comment Card located at the entrance to Commission Chambers prior to the start of the meeting. Please note that all meetings are live streamed and videotaped. The video is available at www.coab.us.

If any person decides to appeal any decision made by the Community Development Board with respect to any matter considered at any meeting may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which any appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26 of the Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City not less than three (3) days prior to the date of this meeting at the address or phone number above.

ITEM

4.A

Uses

Permitted uses in each of the four zoning districts would be permitted uses throughout the commercial and industrial zoned properties within the defined area of the MBOD. This would mean that the permitted uses currently found in LIW would be permitted uses in CPO, CL and CG, as well as every combination thereof. There is one proposed change to the list of permitted uses and that is to pull “welding, sheet metal works, and metal fabrication” from the list of use-by-exceptions in LIW and making it a permitted use in the MBOD.

Similarly, all uses defined as use-by-exceptions in each of the four zoning districts would be use-by-exceptions throughout the commercial and industrial zoned properties within the defined area of the MBOD. Welding, sheet metal works, and metal fabrication would no longer be a use-by-exception as it is now a permitted use.

Conflicts Created and Corrected

Any time that there is a conflict between the uses, such as the LIW permitted use “wholesaling” and the CG use-by-exception “limited wholesale operation”, the least restrictive would be applied. In that example, “wholesaling” as a permitted use is less restrictive than “limited wholesale operations” as a use-by-exception so a wholesaling business would be a permitted use. This clears up any confusion when listed uses conflict with each other, but it also removes the built in protections. For example, banks are not allowed to have a drive-through in CL, but are allowed to in CG. This would allow drive-through facilities which increases the amount of automotive centric space on a property in the CL and CPO zoning districts that almost always adjoin residential properties.

Buffering and Screening Required

One of the outcomes of this ordinance is an increase the amount of outside storage. All commercial zoning districts currently prohibit outside storage except for specific instances for merchandise to be on display outside. However, outside storage is permitted in LIW and as those uses are permitted throughout the MBOD, there are more opportunities for it. In addition to that and the request of the business owners/commercial property owners, the proposed ordinance allows for outside storage in the front yard where it is not allowed today in LIW. To compensate for this, buffering and screening requirements have been added. Six foot tall, opaque fencing is required to screen the outside storage while defined landscaping, including trees and shrubs, is required between fences and property lines where fencing is along a street.

Another outcome of this ordinance is an increase in the number of commercial vehicles permitted to be kept outside. CG is the only commercial zoning district that allows commercial vehicles outside and each property is limited to one. LIW has no restrictions and as the least restrictive, there would be no limits on commercial vehicles in the MBOD. The ordinance does require that all commercial vehicles be properly registered. This will prevent unregistered vehicles from being kept on a property, unless allowed for the specific business because it is an automotive repair shop or other similar use.

ANALYSIS

Comprehensive Plan

A Comprehensive Plan is a state mandated document created by a city or county that provides broad, overarching goals, objectives and policies for the jurisdiction to follow when writing their code of ordinances. These plans address everything from land use and infrastructure to intergovernmental coordination. The Future Land Use Element of our Comprehensive Plan plays a significant role when considering permitted uses and development patterns as is being done in the MBOD.

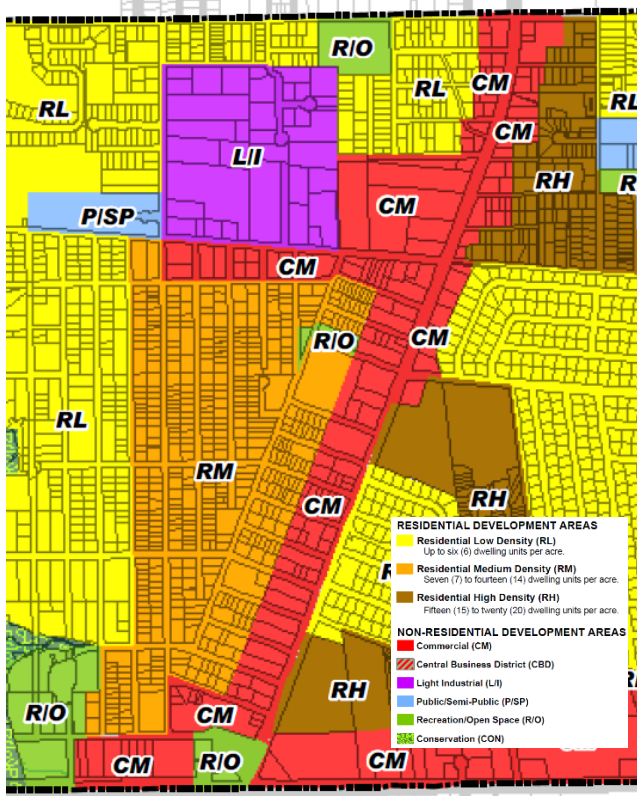
Objective A.1.11 Appropriate Land Use Patterns

“The City shall provide for land use, development and redevelopment in an efficient manner, which supports the land use designations as set forth within the 2010-2020 Future Land Use Map; which enforces the residential densities and the limitations upon the type and intensity of uses, and which results in development appropriate to the sensitive coastal location of the City, particularly with respect to the predominantly residential character and small-town scale of the City.”

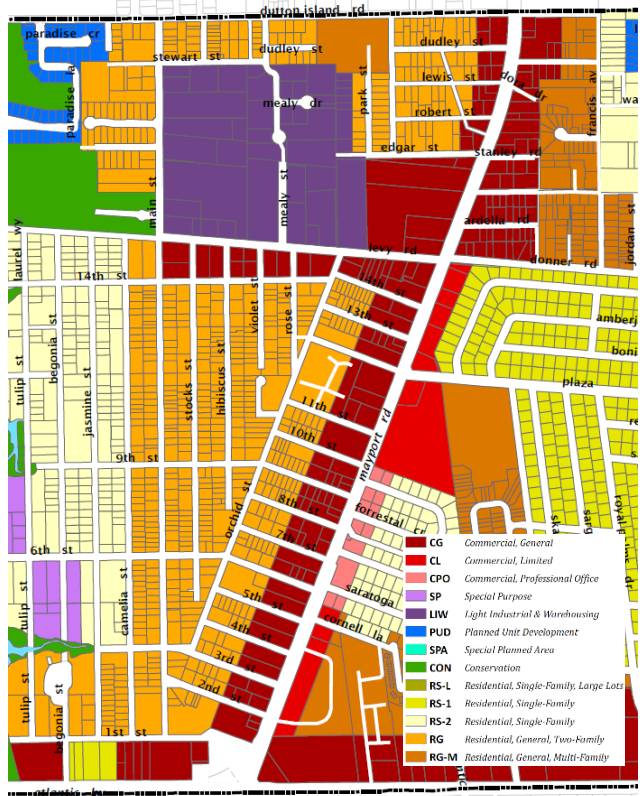
This language calls for the City to have regulations in place consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. The FLUM is a map that dictates appropriate areas for future growth with baseline designations like residential and conservation. Included in these designations are both commercial and industrial. This would suggest that there should be a clear difference between the two.

As seen in the FLUM and Zoning Map below, the commercial and industrial designated areas of both maps mirror each other very closely. Other than some minor shifts here and there, there are only two major differences and that is where residential (yellow, orange and brown) covers some of the commercial areas at the post office in the middle of the maps and in the Francis neighborhood in the top right corner. In the end, both the FLUM and Zoning Map have specific and dedicated areas for commercial and industrial uses.

Future Land Use Map



Zoning Map



Lands designated Commercial have the following description in the Comprehensive Plan;

“Commercial- The Commercial land use category is intended to provide appropriate locations for neighborhood and community businesses providing services and retail sales for the City and the closely surrounding communities. Government, civic, religious, cultural and institutional uses, may also be located within this category. Permitted uses within the Commercial category, along with uses that may be allowed by special exception, shall be limited to the following and as more

specifically described within the Land Development Regulations and when located within the respective zoning district classifications, which are intended to provide a decreasing level of use intensity due to proximity of residential uses.

General Commercial. *These areas shall include those businesses that provide retail goods and services, which serve the routine and daily needs of residents, including banks and professional services, grocery and convenience stores, restaurants, accredited public and private schools and child care, but not including manufacturing, warehousing, storage or high intensity commercial activities of a regional nature, or uses that have the potential for negative impact to surrounding properties due to excessive noise, light or extremely late hours of operation. Residential uses, not exceeding the Medium Density category shall also be permitted, when in conjunction with, or adjacent to commercial development and redevelopment, provided that such residential development shall not be permitted within the Coastal High Hazard Area.*

Limited Commercial. *These areas shall include low intensity office, service and retail businesses that are compatible when located in close proximity to neighborhoods. These uses are intended primarily to serve the needs of the closely surrounding neighborhood. Large-scale discount super-centers or “Big-Box” retailers or similar intense commercial uses intended to serve a regional market are not permitted within the Limited Commercial category.*

Professional and Office. *These areas shall be limited to small neighborhood scale businesses and professional offices that are compatible with, and have no measurable or noticeable adverse impacts, upon surrounding residential uses. Such uses include offices for doctors and dentists (but not clinics or hospitals), accountants, architects, attorneys, engineers, land surveyors, real estate brokers, financial planners, insurance and real estate agents and the like.”*

The first paragraph ends by stating that the various commercial zoning districts exist and have decreasing levels of intensity due to their proximity to residential uses. This is why land use zoning exists. To separate incompatible uses like more intensive commercial or industrial uses from residential. The various intensity levels across zoning districts allows for a step down in intensity as you approach residential. The proposed ordinance is in direct conflict with this logic.

Not only does each level define what types of uses are desired, they also define what is not desired. In General Commercial, manufacturing, warehousing, storage or high intensity uses are specifically not included with the list of desirable uses. Yet, these are exactly the uses being added by including the uses from LIW across the MBOD. Even as you step down, it is clear that uses from the higher commercial districts should not be in the lower districts.

Lands designated Industrial have the following description in the Comprehensive Plan;

“Light Industrial – *The Light Industrial category shall be limited to light manufacturing and production, storage, warehousing and distribution uses as further controlled by the Land Development Regulations. Light industrial uses may have outdoor storage and business related activity, but such uses shall not include processes that create negative effects to surrounding properties due to noise, heat, fumes, debris, chemicals or hazardous materials.”*

Similar to commercial areas, light industrial defines what is allowed and then excludes certain uses specifically because of their negative effects on surrounding properties. The terminology used is a little different where commercial said things like “include”, light industrial says “limit”. This shows that inclusiveness of uses in commercial, while showing the desire for limitations on what can occur in industrial. This suggests a fear of the potential impacts from industrial uses and a need to regulate them in the City.

Ultimately, these descriptions provide an outline of the uses that should be in their respective zoning districts. When looking at the current permitted uses and uses-by-exception in CG and LIW and applying these descriptions from the Comprehensive Plan, only one use-by-exception from CG would likely fall outside of commercial and in industrial. That one use is “cabinet shops, woodworking shops and surfboard production”. From a broad perspective, these things can be large facilities with dozens of employees and countless deliveries, but they can also be small shops with as little as one employee working with a van. Combined with modernizations in equipment, these shops can also have minimal impacts on neighbors. It makes sense that under the right conditions, a shop like this could fit in a commercial area. On the flip side, three of the seven permitted uses and all but one use-by-exception in LIW would be considered industrial. While there may be justification in allowing the commercial uses in commercial zoning districts, the industrial uses clearly need to stay in LIW and not be spread throughout the MBOD.

Policy A.1.10.5

“Along the Mayport Road corridor, the continuation and proliferation of light industrial uses, automotive sales and repair businesses and other more intensive commercial business activities shall be discouraged in favor of those businesses and uses that provide neighborhood serving retail products and services that generate daily activity and interaction between residents of the surrounding neighborhoods such as banks, drugstores, restaurants, churches, child care centers, grocery stores and similar businesses and uses.”

This policy comes from Objective A.1.10 Surrounding Land Uses and speaks directly to the type of uses to be discouraged and encouraged along Mayport Road. It is very clear that light industrial and specifically automotive sales and repair businesses should be discouraged. The proposed ordinance would allow light industrial uses along the entirety of the Mayport Road corridor in the MBOD and would make it possible for heavy automotive repair in these areas where it was not previously possible. The encouraged uses are the same retail and service based businesses that are permitted in the current zoning districts. The proposed ordinance probably conflicts with this provision of the Comprehensive Plan more than any other.

Policy A.1.5.6

“Commercial and light industrial development shall be located and designed so as to minimize adverse effects on residential areas, traffic facilities and the aesthetic character of the City”

This policy comes from Objective A.1.5 Sound Development Patterns where, among other things, it encourages development patterns that prevent blighting influences and eliminate non-conforming uses; foster diverse and stable neighborhoods; and healthy and aesthetically pleasing living conditions. The proposed ordinance would allow more of the City to contain industrial uses that typically have larger commercial vehicles and more frequent trips by those vehicles. While the number of commercial vehicles may be less than that of restaurant or retail use, they are often larger and require more space to maneuver which impacts traffic. This is especially true when one of the more common complaints is that our roads are inadequate for commercial traffic.

The proposed ordinance would also allow more outside storage in the MBOD, which poses aesthetic issues, but also can provide habitat for pests if not maintained. While the proposed ordinance provides some buffering and screening requirements, that in itself could create negative aesthetics when multiple properties become walled off and create canyons down the streets.

With the exception of Mealy Drive and Mealy Street South, both of which are in the middle of the current LIW zoning district, every street has residential uses on the street. This means that all residents will either

directly adjoin or have to drive through the MBOD in order to get to and from their home and will be impacted by the traffic aesthetics of the MBOD.

Policy A.1.3.1

“Additional commercial or industrial development shall be permitted only on those lands that are zoned to permit such development as of the adoption date of this plan amendment, or following adoption of an amendment to the Future Land Use Map (FLUM). In considering any such application for a FLUM amendment, the City shall find that each of the following conditions are demonstrated by the applicant seeking said amendment.

- (a) There are adequate public facilities available to serve the proposed development.*
- (b) The proposed commercial development shall not have adverse impacts to surrounding neighborhoods, other properties, the natural environment, the aesthetic qualities of the City and shall not impair or degrade scenic natural views.*
- (c) There is a demonstrated deficiency of commercial or industrial lands within the City to serve the needs of residents of the City for such uses.”*

This policy comes from Objective A.1.3 Maintaining Residential Character and defines what should be considered by the City when there is a proposed commercial or industrial amendment to the FLUM. While no FLUM amendment is proposed, it is staff’s recommendation that one be done in conjunction with this ordinance. As discussed with Objective A.1.11, there is a clearly defined difference in the Comprehensive Plan between what is commercial and what is industrial and as proposed, this ordinance completely removes that line and the entirety of the City’s industrial designated lands in the FLUM are mixed with the surrounding commercial. There should also be a text amendment to the Comprehensive Plan to explain and justify the proposed ordinance and mixing of designations.

As mentioned previously, there are questions about the quality and size of our roads to handle an increase in commercial vehicle traffic. This is a concern about having adequate public facilities. The potential adverse impacts have also been mentioned previously. There are vacant buildings and properties in both the commercial and industrial zoned areas of the MBOD and commercial rental rates are not reported to be any higher than other parts of the City. This would suggest that there is not a deficiency of commercial or industrial lands. Any one of these would make a FLUM amendment difficult, but combined it would appear that there is no grounds to approve a FLUM amendment that should be part of this proposal.

Standard Industrial Classification (SIC)

The Standard Industrial Classification (SIC) System is a system created in 1937 for the government to identify and classify industries. This system is recognized and used in the code and can be found in Section 24-112(a). This section establishes the requirements of the LIW zoning district and identifies a series of major groups of the SIC that are designated “heavy” industrial and should not be permitted. Oddly, two use-by-exceptions (concrete batching plants, and manufacture and production of boats and surfboards) in LIW are found in those prohibited series. These codes can be used to identify all types industries and can help further define the commercial versus industrial nature of uses discussed in the Comprehensive Plan.

The SIC System is broken into ten divisions with each covering a broad topic. For example, Division E is Transportation, Communications, Electric, Gas, and Sanitary Services. It only appears twice in LIW for communication towers and warehousing uses where communication towers fall under the communications aspect and warehousing is related to transportation due to its ties with moving product. The divisions most commonly considered industrial found in our code are D: Manufacturing, and F: Wholesale Trade. Both of these contain permitted uses (wholesaling, and light manufacturing, packaging or fabricating, without noxious or nuisance odors or hazardous operations, within a completely enclosed building) and multiple

use-by-exceptions (concrete batching plants, manufacture and production of boats and surfboards, and wholesale food processing) from LIW. In contrast to that, CG only has two uses from divisions D and F and they are both use-by-exceptions (limited wholesale operations, not involving industrial products or processes or the manufacturing of products of any kind, and cabinet shops, woodworking shops and surfboard production). As discussed previously, cabinet shops, woodworking shops and surfboard production can fit in a commercial area. Limited wholesale operations also can fit in a commercial area since they are limited by their very name in size and impacts when approved as a use-by-exception.

Business Approval History

In an attempt to quantify how large of a problem the permitted uses and uses-by-exceptions have been, staff reviewed Local Business Tax Receipts (LBTR) and use-by-exception applications for the commercial and industrial zoned properties along the Mayport Road corridor since 1999. During that time there were 488 unique LBTRs issued. This removed all duplicates as businesses are required to get a new LBTR each year. This is an average of about two LBTRs per year for the 237 parcels in the area. It should be noted here that many businesses never get a LBTR or any other City approval so the data is lacking, but it is the best available.

During this same time, there were a total of 111 use-by-exceptions applied for, with 65 of those being from this area. That means about 59% of all use-by-exceptions are for businesses within this area. When considering the commercial areas along Atlantic Boulevard and further up Mayport Road that are not part of this area, 59% is pretty fair proportion. 65 use-by-exceptions is also only about 13% of all approved businesses in the area.

While there is significant data missing from this analysis, like those businesses that never seek approval from the City with a LBTR or if necessary a use-by-exception, it is probably fair to say that the number of use-by-exceptions applied for are proportional to those in other parts of the City. What is even more definitive is that the number of businesses needing a use-by-exception is far less than the rumored 90% when the data suggested the number to be almost the complete opposite at 13%.

Permitting and Investments in the MBOD

Staff reviewed the permit history of the 237 commercial and industrial zoned properties along the Mayport Road corridor since 2000 to determine the amount of recent investment in the area. While this does not account for all work put into a property, such as mechanical or plumbing work, it does catch renovations, additions and new construction. Of the 237 parcels, 43 are used for residential uses and were excluded from the research. In the remaining 194 commercial and industrial properties within the MBOD, there was a total of \$6,119,430 of combined permit valuation. This works out to a total of \$31,544 per parcel over the entire period or \$1,856 per parcel per year. Permit valuation is the cost of a project on a building permit application and is used in the calculation of building permit fees.

These numbers do not show much on their own, but if the 10 largest permit valuation parcels are separated out, the numbers tell a larger story. The top 10 parcels have a combined permit valuation of \$3,621,518 or 59% of the total investment on these commercial and industrial properties in the MBOD. This means that well over half of the investment comes from 5% of the parcels. Of those 10, five were new construction totaling \$1,997,000 in combined permit valuation or 33% of the total investment. That is one third of all investment since 2000 coming from five new buildings. This also means that only five buildings have been built in 17 years. When the top 10 parcels are removed from the equation, the average investment drops from \$1,856 to \$799 per year for the remaining 95% of parcels.

When looking at those making significant investments, \$100,000 or more, there are 21 parcels with a combined permit valuation of \$5,031,723. That means about 11% of the parcels have done major projects over the last 17 years. This also means that 11% of parcels invested 82% of the total amount invested.

An interesting side note within this research is that churches were actually a big part of the investments in the MBOD. In fact, churches were responsible for \$1,438,284 of the combined permit valuation, or 24% of the total investment and are two of the top 10.

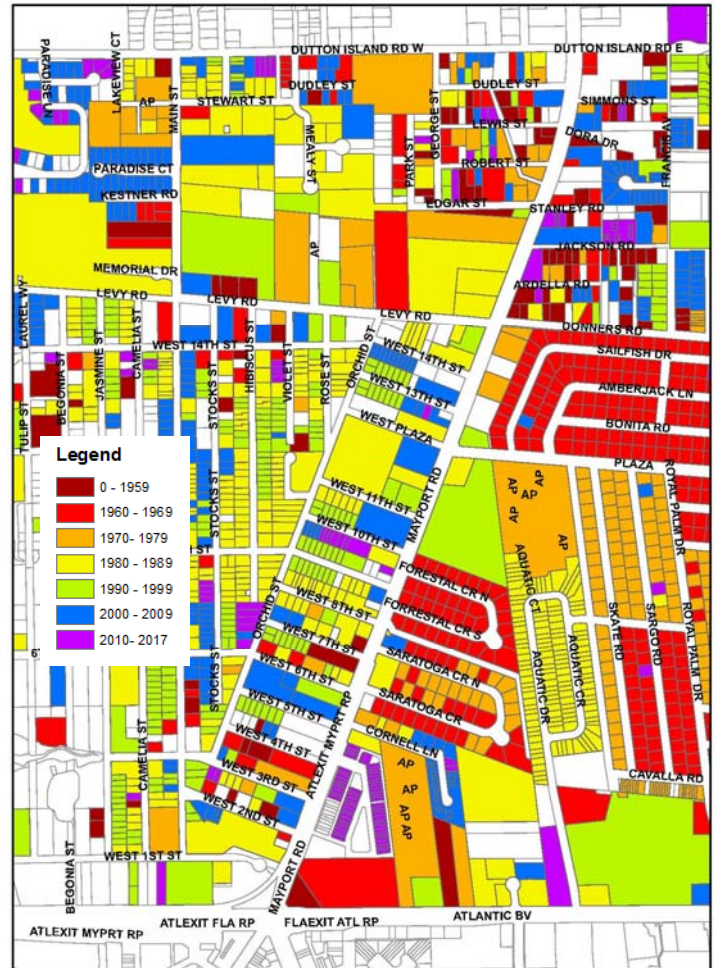
Year Built Data

A major factor that plays into the use of a structure is when it was built. The map to the right shows the year built for the primary structure for every property. It should be noted that this data is from the Duval County Property Appraiser's Office and they convert the year built when major renovations occur so the data may be off a little.

Half of all structures in the City were built during or before the 1980s. This holds true for properties in the MBOD too. This is important for a couple of reasons. First is that the zoning code was completely rewritten to its current form in 1982. As a result, older structures could have been constructed for a use that is not allowed today. Perhaps not surprising is that several of the properties that have applied for multiple use-by-exceptions over the last 18 years are pre-1982 construction.

This also places the roughly 30% of buildings constructed in the 1980s, and many of the 32% in the years prior, in the 25-50 year age window when most commercial buildings reach the end of their functional life and are torn down and replaced or undergo major renovations. Further evidence of this is that the IRS uses a 39 year life span for commercial buildings. This would suggest that there should be significant money spent on renovations and new construction, but as discussed earlier, that is not happening.

This data also helps answer the question of who came to the nuisance created by the commercial and industrial uses. The residential on the east side of Mayport Road clearly predates most of the commercial construction. This is the area where the City enacted increasing intensities of use with the CPO, CL and CG zoning districts. The west side is more of a hodge-podge between commercial and residential and may be why the City made the commercial area all CG and did not vary the intensity of uses. The area north of Donner Road on both sides of Mayport Road shows the widest variation in year built across commercial and residential uses, but has residential as existing first. Throughout the Mayport Road corridor, it is safe to say that residential came in before or at the same time as commercial. This should not be surprising as commercial often follows residential historically.



CONCLUSIONS

The push for this ordinance is coming from a couple of different angles. The primary push for this ordinance is coming from a group of business owners/commercial property owners from within the MBOD. While it is great to see the business community along Mayport Road come together, to date their sole focus has been with the City and getting this ordinance passed, which would greatly loosen restrictions on themselves. It should be noted that the three primary advocates own 10% of the parcels in the MBOD and operate their own business out of two of those locations. This also comes during a year of increased focus on code enforcement and zoning that has resulted in more properties being cited for violations. In at least one instance a business operated for 20 years between citations even though aerial photographs showed the violation existed for the last 10 years.

Then there is the City Commission who has stated for the last couple of years that it is seeing too many use-by-exceptions for what are benign business with minimal impacts. This has happened with things like a one man wood working shop that builds and repairs furniture in the Commercial General zoning district where woodworking shops are specifically identified as a use-by-exception. The apparent solution to this issue is to free up the permitted uses so that there are fewer times that a use-by-exception is required. The danger with this solution is that a wood working shop could be a much larger operation with dozens of employees and regular truck deliveries where the impact on neighbors and the community could be much more severe. Add in the proposal by the business owners/commercial property owners to the Commission and there was a push for action.

Undoubtedly, there are problems on Mayport Road. There has been a major lack of investment since at least the turn of the century where there have only been five substantial new buildings over 17 years and the largest one was a church and not a business. Non-profits like Habitat for Humanity have put more money in residential development on commercially zoned property along Mayport Road in the last five years than all businesses combined in the MBOD since 2000. Perhaps this is because of the current regulations, but even advocates say this proposed ordinance is to legitimize existing businesses and that they do not expect massive increases in development if this were passed.

In the end, this proposed ordinance is like using a sledge hammer to crack a walnut. It's a blunt impact to get the desired results and it is likely to cause damage that will last decades. A methodical and thought out approach could fix a lot of the problems and would have far fewer negative long term impacts to the community. The City is already starting the process to rewrite the Land Development Regulations. These fixes can easily be included in those public workshops and result in a holistic approach that addresses the uses and other redevelopment limiting codes.

STAFF RECOMMENDATIONS

The Community Development Board should recommend to the City Commission that this ordinance be **DENIED**, finding that it is not consistent with Comprehensive Plan Objective A.1.11, and Policies A.1.10.5, A.1.5.6, and A.1.3.1; and that if the Commission decides to move forward with this ordinance that Comprehensive Plan text amendments and Future Land Use Map amendments be started immediately.

ORDINANCE 90-17-228

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, ESTABLISHING THE MAYPORT BUSINESS OVERLAY DISTRICT; AMENDING CHAPTER 24, ARTICLE III, DIVISION 7, TO ADD NEW SECTION 24-175, MAYPORT BUSINESS OVERLAY DISTRICT; PROVIDING FOR A LIST OF PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Atlantic Beach recognizes and supports the need for economic development along the Mayport Road corridor; and

WHEREAS, the City of Atlantic Beach desires to promote the use, development and redevelopment of commercial and light industrial properties along the Mayport Road corridor through the establishment of an overlay district in the area and modification and expansion of permitted uses and use-by-exceptions;

WHEREAS, the City of Atlantic Beach recognizes a need for buffers and screening of and between certain uses; and

WHEREAS, establishing the Mayport Business Overlay District is in the best interest of the City of Atlantic Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Establishment of New Overlay District. There is hereby established the Mayport Business Overlay District, as a new overlay district within the City of Atlantic Beach.

SECTION 2. Regulation Added. The Code of Ordinances of the City of Atlantic Beach, Florida, is hereby amended by adding a new section to be numbered Section 24-175, which shall read as follows:

Sec. 24-175. – Mayport Business Overlay District.

- (a) *Purpose and intent.* The purpose and intent of the Mayport Business Overlay District is to encourage economic development while providing for a mix of uses that are properly screened and landscaped on the commercial and light industrial zoned properties located within the Mayport Business Overlay District.
- (b) *Applicability.* The Mayport Business Overlay District provisions set forth within this section shall apply to all use, development and redevelopment of Commercial and Professional Office (“CPO”), Commercial Limited (“CL”), Commercial General (“CG”) and Light Industrial and Warehouse (“LIW”) zoned properties located within the boundaries of the Mayport Business Overlay District, as more particularly described as follows:

Atlantic Boulevard between Mayport Road and the southerly extension of Main Street on the south;

Main Street, including the southerly extension to Atlantic Boulevard and North Main Street on the west;

Dutton Island Road West between North Main Street and Mayport Road on the north; and

Mayport Road between Atlantic Boulevard and Dutton Island Road West on the east, including those properties with frontage on Mayport Road on the east side of Mayport Road.

- (c) *Permitted uses.* The permitted uses on properties zoned CPO, CL, CG and LIW within the Mayport Business Overlay District shall include all of the uses listed as permitted in the following sections, as may be amended, of Chapter 24 of the City’s Code of Ordinances:

- (1) Section 24-109(b);
- (2) Section 24-110(b);
- (3) Section 24-111(b); and
- (4) Section 24-112(b).

In addition, welding, sheet metal works and metal fabrication are also permitted uses on properties zoned as CPO, CL, CG and LIW within the Mayport Business Overlay District.

- (d) *Uses-by-exception.* Unless authorized as a permitted use, the use-by-exception uses on properties zoned CPO, CL, CG and LIW within the Mayport Business Overlay District shall include all of the uses listed as uses by exception in the following sections, as may be amended, of Chapter 24 of the City’s Code of Ordinances:

- (1) Section 24-109(d);
- (2) Section 24-110(c);
- (3) Section 24-111(c); and
- (4) Section 24-112(c).

- (e) *Additional development regulations.* The following provisions regarding fencing and landscaping shall be applicable to the use, development and redevelopment of the CPO, CL, CG and LIW zoned properties within the Mayport Business Overlay District, in addition to other fencing and landscaping regulations contained within the City's Code of Ordinances; provided, however, that, in the event of a conflict between the express provisions below and any other fencing or landscaping regulations, the express provisions below shall apply.

For property with a Local Business Tax Receipt where outside storage of equipment, trailers, materials, products not intended for immediate sale as permitted elsewhere in the code, or other similar items exists, all such outside storage shall be screened from view with fencing and landscaping so that no portion is visible from the street or adjoining properties in accordance with the following provisions:

1. Fencing shall be made of wood, vinyl or masonry, except that exposed plain concrete block shall not be permitted.
 2. Fencing shall be at least of eighty-five (85) percent opaque.
 3. Fencing height and location shall be as follows:
 - a. Six (6) feet tall in the front yard and any side yard adjoining a street; and be located at least five (5) feet from the property line, except along Mayport Road and Atlantic Boulevard where fences shall be at least 10 feet from the front property line to accommodate the 10 foot wide landscape buffer required by Section 24-171(g)(1).
 - b. Six (6) feet tall in side and rear yards, except where permitted to be taller by this chapter.
 4. Landscaping with proper irrigation shall be required in the area between property lines and fencing in front yards, and in side yards which adjoin a street on corner lots as follows:
 - a. A continuous line of shrubs no taller than 2 feet so as to provide clear sightlines at intersections and driveways; and
 - b. One (1) tree found in the City of Atlantic Beach Recommended Tree List in Chapter 23 of the Code of Ordinances with no canopy foliage below 8 feet for every twenty-five (25) linear feet of street frontage excluding driveways."
 5. All fencing and landscaping improvements on corner lots shall meet the sight-line provisions contained in Chapter 19, as may be amended, of the City's Code of Ordinances.
- (f) *Effect of other Code Provisions.* Except as expressly modified by the provisions of this section, all other provisions of Sections 24-109, 24-110, 24-111 and 24-112, as may be amended, of the City's Code of Ordinances, as well as other applicable provisions in the City's Code of Ordinances, shall remain valid and in full force and effect as to the use, development

and redevelopment of all CPO, CL, CG and LIW zoned properties within the Mayport Business Overlay District.

SECTION 3. Conflict. All ordinances previously adopted by the City in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase or provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED by the City Commission on first reading this ____ day of _____, 2017.

PASSED by the City Commission on second reading this ____ day of _____, 2017.

CITY OF ATLANTIC BEACH

Mitchell E. Reeves, Mayor

ATTEST:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Brenna M. Durden, City Attorney