



**AGENDA(Amended)**  
**Special City Council Roundtable Workshop**  
**Tuesday, March 29, 2022, 6:00 P.M.**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

- CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
1. Section 27-239, Table 27-239: Side Setbacks in the RC Overlay
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  2. Section 27-239(c)(1): Upper Point of Reference for Building Height
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  3. Section 27-236(e)(2)-(labeled (c)(2) on p. 38 of draft): Use of Arcades in the CBD
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  4. Section 27-235(a)(5): Encroachment of Porches and Stoops into Setbacks
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  5. Section 27-235(a)(8): Encroachment of Uncovered/Unenclosed Outdoor Structures into Setbacks
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  6. Section 27-239, Table 27-239: Lot sizes in R-4 and RC Overlay
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification
  7. Section 27-239, Table 27-239: Lot Coverage in the RC Overlay
    - a. Presentation of Item
    - b. Council Comment
    - c. Public Comment
    - d. Staff Clarification

8. Section 27-239, Table 27-239: Minimum Lot Sizes for Duplexes
  - a. Presentation of Item
  - b. Council Comment
  - c. Public Comment
  - d. Staff Clarification
  
9. Section 27-243(b)(2)e., i., ii: (is labeled 27-243(b)(2)f.,i.,ii. on p. 54 of draft)Garage Setbacks in the RC Overlay
  - a. Presentation of Item
  - b. Council Comment
  - c. Public Comment
  - d. Staff Clarification
  
10. Section 27-243(b)(2)e.,vi. (is labeled 27-243(b)(2)f.,vi. on p. 55 of draft): Garage Doors Visible from Street
  - a. Presentation of Item
  - b. Council Comment
  - c. Public Comment
  - d. Staff Clarification
  
11. Section 27-226(h): Proposed Addition of Uses to C-1
  - a. Presentation of Item
  - b. Council Comment
  - c. Public Comment
  - d. Staff Clarification
  
12. Sections 27-226 and 27-245: PUDs in C-1, C-2, C-3, and CBD
  - a. Presentation of Item
  - b. Council Comment
  - c. Public Comment
  - d. Staff Clarification
  
13. FINAL COUNCIL COMMENTS

**If you'd like to speak on a specific topic, you'll need to reference the agenda item number for the topic you'd like to speak on in the Speaker Request Form.**

**If you'd like to speak on multiple topics, please include each topic's agenda item number on a single speaker request form.**

Residents attending public meetings can use the code **AE93** to validate their parking session at no cost. After 5:30 on the date of the meeting, follow these steps:

Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.

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



# STAFF REPORT

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

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**TO:** City Council

**FROM:** Sam Brisolaro, Community Development Director

**DATE:** March 11, 2022

**SUBJECT:** Land Development Code Clarification

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**I. BACKGROUND:**

During the City Council Meeting held February 22, 2022, staff relayed multiple proposed land use codes to the councilors for discussion and requested changes. During the discussion of multiple parts of the land use code, there were conflicting opinions and statements regarding the direction the code should take. This report and subsequent presentation is to obtain clarification from the City Council on how to proceed with amending the draft Land Development Code.

**II. DISCUSSION:**

Below is a matrix showing the section of the land development code, the proposed language, optional language, and a staff recommendation.

LDC SECTION	PROPOSED LANGUAGE	OPTIONAL LANGUAGE	STAFF RECOMMENDATION
SEC.27-239 <i>TABLE 27-239</i>	5' side setbacks in the RC Overlay	7' side setbacks in the RC Overlay	Staff recommends the 7' setback in the RC Overlay as measured from the side of the structure to the property line.

<b>LDC SECTION</b>	<b>PROPOSED LANGUAGE</b>	<b>OPTIONAL LANGUAGE</b>	<b>STAFF RECOMMENDATION</b>
SEC.27-239(C) (1)	The upper point of reference for determining the height of a building or structure shall be the average of the highest and lowest point on the roof, not including any of the exceptions in subsection (b).	The upper point of reference for determining the height of a building or structure shall be the pitch, or highest point of the roof structure excluding all exceptions in subsection (b).	Staff recommends using the optional language for ease of measurement as well as ensuring a consistent method of measurement throughout the city.
SEC.27-236 (e)(2)	Architectural requirements in the CBD to include the use of Arcades.	Remove the use of Arcades within the CBD.	Staff supports the removal of arcades in the architectural standards as maintenance of any underground utilities would be difficult to access and costly to repair the arcade if damaged.
SEC.27-235 (a) (5)	Porches and stoops are permitted to encroach the setback up to 10' into the front and side setbacks.	Porches and stoops are permitted to encroach the front setback by 5'. Encroachment on the side setback shall only be 3'.	Staff recommends using the optional language of reducing the encroachment in setbacks on the front and side to reduce impacts to the city right of way and to protect neighboring properties from unnecessary encroachment or nuisance issues.
SEC.27-235 (a) (8)	Uncovered or unenclosed outdoor structures may encroach a maximum of 15 feet into the required rear yard setback but shall be no closer than 5' from any rear property line.	Uncovered or unenclosed outdoor structures shall be no closer than 5' from any rear property line	Staff recommends the optional language to allow uncovered or unenclosed outdoor structures, such as trellis' and pergolas, no more than 5' from the rear property line. The proposed language too cumbersome.

LDC SECTION	PROPOSED LANGUAGE	OPTIONAL LANGUAGE	STAFF RECOMMENDATION
SEC.27-239 TABLE 27-239	Lot sizes in R-4 and RC Overlay are proposed as 40' lots.	50' lots with a superscript stating that lots 49' or less platted prior to November 1, 2021, are considered conforming lots.	Staff recommends requiring 50' lots but allowing 49' and smaller lots be deemed conforming as of the date of the moratorium. The larger lot sizes help to accommodate architectural standards required, provide additional space for off-street parking, and aid in the future reduction in density for the area.
SEC.27-239 TABLE 27-239	Lot coverage in the RC overlay was increased to 60%	Reduce the lot coverage amount back to 50%	Staff recommends reducing the lot coverage back to 50% as the flooding in the area would be exacerbated by increasing the allowed lot coverage.
SEC.27-239 TABLE 27-239	Minimum lot size for duplexes shall be 5,000 square feet or 2,500 square feet if fee simple. They may additionally have a lot width of 20' for two fee simple lots	Minimum lot size for duplexes shall be 8,000 square feet which allows for 2 units to be placed. For fee simple lots, the minimum lot size shall be 5,000 square feet. The minimum lot width for a duplex is 80'. Fee simple duplex lots shall have a minimum lot width of 50' *** Add superscript that density calculations for residential uses are rounded to the nearest whole number.	Staff recommends allowing duplexes with larger lot sizes and providing caveats to meet density calculations. Further language may be added in the land use section or non-conforming section (yet to come) to allow for retro fitting of existing duplexes to reducing any created non-conformities due to lot size restraints.

LDC SECTION	PROPOSED LANGUAGE	OPTIONAL LANGUAGE	STAFF RECOMMENDATION
SEC.27-243 (B)(2), e., i., ii.	Garages are required to be setback a minimum of 10' behind building façade facing the street and sidewalk in the RC Overlay	Remove the setback language.	Staff recommends removing the setback language for garages in the RC Overlay. Smaller lots in the area would make achieving this difficult. Allowing residents to decide the placement of their garage will provide a more eclectic style in the overlay district.
SEC.27-243 (B)(2), e., vi	No more than two garage doors shall be visible from the street, and they shall not exceed a maximum width of 9' each, though exceptions for garages meant to accommodate RVs and boat trailers may be allowed a width of 12'	Remove limitation on number of garage doors, remove maximum width of garage doors.	Staff recommends removing the limitations on garage doors, sizes, and types to promote off-street parking and encourage parking residents to park on their property and out of the right-of-way.
SEC.27-226 (h)	<p>C-1 proposes to add the following uses:</p> <ul style="list-style-type: none"> <li>• Bed and Breakfast,</li> <li>• Interior Service Restaurant, Carry-out, and Delivery Restaurants with outdoor seating on private property</li> <li>• Personal Service Establishments</li> <li>• Dance, Art, Dramatic, Gymnastics, and Music Studio</li> <li>• Social, Fraternal Club, Lodge, and Union Hall</li> </ul>	<p>Remove:</p> <ul style="list-style-type: none"> <li>• Bed and Breakfast</li> </ul> <p>Place the following in Special Exception:</p> <ul style="list-style-type: none"> <li>• Interior Service Restaurant, Carry-out, and Delivery Restaurants</li> <li>• Dance, Art, Dramatic, Gymnastics, and Music Studio</li> <li>• Social, Fraternal Club, Lodge, and Union Hall</li> </ul>	Staff recommends reducing the intensity of the uses in the C-1 area and only allowing more intense uses by special exception. This will allow staff, the CDB, and City Council to thoroughly vet and review the potential impacts of the use to surrounding areas.

<b>LDC SECTION</b>	<b>PROPOSED LANGUAGE</b>	<b>OPTIONAL LANGUAGE</b>	<b>STAFF RECOMMENDATION</b>
SEC.27-226 & SEC. 27-245	The proposed Land Development Code allows PUDs in C-1, C-2, C-3, and CBD.	Remove the PUD language in its entirety.	PUD's can enhance public benefits and allow for unique urban design if utilized and worded properly. Staff recommends removing the PUD language from this iteration of the Land Development Code and preparing a stringent and enforceable PUD section for future addition to the code.

**III. CONCLUSION:**

Staff has reviewed these codes thoroughly and has prepared these recommendations based on best planning practices, the ability to implement the code, and to maintain the character of the city. Staff will revise the code according to the direction received from a majority vote of the city council.

**IV. RECOMMENDED MOTION:**

Each section provides the option to maintain the current code, use optional language, or amend the proposed language as determined by the City Council.

## **DIVISION 8. - VARIANCES**

### **Sec. 27-141. - Generally.**

The city council upon recommendation by the community development board , may grant a variance from the strict application of any provision of the Code, except provisions for permissible uses and concurrency, provided that such variance is granted in conformance with this section.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 19, 9-7-10)*

### **Sec. 27-142. - Definitions.**

Refer to article I for definitions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-143. - Application requirements.**

- (a) All applications for variances shall be filed with the city using the forms approved and provided by the city staff.
- (b) The application shall be accompanied by payment of the official filing fee as set by resolution of the city council.
- (c) The application shall include the following:
  - (1) Name and address of the owner and agent, along with notarized signatures of the same;
  - (2) Address and legal description of the property, a copy of the deed and an accurate survey;
  - (3) A description of the proposed variance;
  - (4) An eight and one-half (8½) inches by eleven (11) inches overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. The plot plan, as submitted or modified by the applicable board, shall be binding upon the applicant if the variance is granted;
  - (5) The conditions affecting the property which are not typical of other properties in the zoning district;
  - (6) Facts indicating the unique hardship on the real property;
  - (7) Facts indicating that the variance would not be detrimental to the public welfare or nullify the intent of the Code;
  - (8) An eight and one-half (8½) inches by eleven (11) inch copy of the relevant area of the Duval County Property Ownership Map, to be provided by the building official's office as part of the application packet. Said copy shall show the exact location of the land proposed for the variance, along with all of the properties requiring notice as described in subsection 27-144(c)(2);
  - (9) A list of the addresses of all properties, as described in subsection 27-144(c);
  - (10) Notice of exceptional requirements as applicable in section 27-150 or section 27-151, shall be provided; and
  - (11) Photographs of property as it exists.

*(Ord. No. 2004-10, § 1, 10-4-04)*



**Sec. 27-144. - Notice requirements.**

- (a) Notice indicating the time and place of the public hearing shall be posted in two (2) places in the city, one of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one (1) of which shall be at city hall on the public notice board, for at least ten (10) days immediately prior to the public hearing before the community development board or the city council. Such notice shall contain the address or location of the property and the nature of the application. The notice at the variance site shall be a standard size and design established by the community development board and shall be placed at the subject property by a representative of the building department.
- (b) The building department shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ten (10) days prior to the public hearing before the community development board . The advertised notice shall state the date, time, place of the public hearing, case number, and shall contain the address of the property and the nature of the application.
- (c) At least ten (10) days prior to the public hearing, the building department shall give notice of the public hearing before the community development board by U.S. Mail to the following:
  - (1) The property owner and the applicant if different from the owner; and
  - (2) The owner(s), as listed in the current Duval County Tax Assessor's records, of each property within a three hundred-foot radius of the boundary of the subject property.
- (d) If any party described in section 27-153 does not contest the issue of proper notice within thirty (30) days from the date the applicable community development board or the city council renders final action on a variance, then notice shall be deemed to be in compliance with this section.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 20, 9-7-10)*

**Sec. 27-145. - Procedures for applying for and issuing a variance for property located within the R-1, R-2, R-3, R-4 and R-5 zoning districts.**

- (a) **Submittal of application.** The owner or developer shall submit a completed application, as described in section 27-143, to the office of the city manager or designee.
- (b) **Determination of sufficiency.** The city manager or designee shall review the application within five (5) working days of its submission to determine if it is sufficient. When the application is determined to be complete within the requirements of section 27-143, the city manager or designee shall forward the application to the community development board for consideration.
- (c) **Community development board action.** Allowing for proper notice according to section 27-144, the community development board shall conduct a public hearing and shall issue a decision granting, granting with conditions, or denying the variance pursuant to the standards of this division and after making the findings of fact required by this division.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 21, 9-7-10)*

**Sec. 27-145.1 – Reserved. Administrative variances.**

- ~~(a) The city manager or designee is authorized to consider and grant or deny, pursuant to the procedures and standards contained in this subsection, a variance from the following regulations in residential zoning districts only:
  - ~~(1) A reduction by variance of any front, side or rear yard setback by an amount not to exceed ten (10) percent of the applicable zoning district's requirement, but not to include buffers or any other setback that is a condition of a final development plan. (Ex. For a side yard setback, in which the requirement is seven (7) feet, the city manager or designee could grant an administrative variance of no more than 0.7 feet. For a rear yard setback in which the~~~~

requirement is twenty five (25) feet, no more than two and one half (2.5) feet can be granted administratively.)

(2) An increase in lot coverage of no more than five (5) percent from the amount required by the applicable zoning district.

(b) Any request for an administrative variance permitted by this section shall be filed with the city manager or designee or designee. The city manager or designee shall review the administrative variance request and decide upon each application pursuant to the above subsections and by the required findings needed to issue a variance in section 27-147, and shall make a written decision on each application no later than fifteen (15) days from the date such application was filed. No administrative variance shall be granted that deletes, modifies, or changes in any manner any condition imposed by the board of appeals, community development board or the city council.

(c) Required steps to file an administrative variance:

(1) The applicant shall fill out an administrative variance form provided by the city manager or designee.

(2) After the application has been filed with the city manager or designee a decision to grant or deny the administrative variance will be made within fifteen (15) days.

(3) After reaching a decision on the application, a letter approving or denying the application will be sent to the applicant and a separate letter will be sent to the owner of each property within a three hundred foot radius informing them of the decision.

(4) Any aggrieved or adversely affected party wishing to appeal the decision of the city manager or designee to the community development board must file their appeal within thirty (30) days of the city manager or designee letter and file said appeal with the city clerk. The fee for appeal shall be the same as the fee to appeal an administrative decision.

(5) If no appeal is timely filed the applicant may apply for building permits at the building department that pertain to the granted administrative variance.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 22, 9-7-10)

## Sec. 27-145.2. - Procedures for applying for and issuing a variance for property located within the C-1, C-2, C-3, ~~CBC~~ CBD and conservation zoning districts.

- (a) **Submittal of application.** The owner or developer shall submit a completed application, as described in section 27-143, to the office of the city manager or designee.
- (b) **Determination of sufficiency.** The city manager or designee shall review the application within five (5) working days of its submission to determine if it is sufficient. When the application is determined to be complete within the requirements of section 27-143, the city manager or designee shall forward the application to the community development board for consideration.
- (c) **Community development board action.** Allowing for proper notice as specified in this division, the community development board shall conduct a public hearing and shall prepare, in writing, its comments and recommendation to the city council for approval, approval with conditions, or denial of the application. Any person at the public hearing shall be afforded the opportunity to be heard.
- (d) **City council action.** At the next available meeting of the city council, allowing for required notice as described in this part, the city council shall approve, deny, or approve with conditions said application after consideration of the comments and recommendations of the community development board, based on the standards set forth in this division.

(e) **Floodplain variances.** This section does not apply to variances from floodplain regulations; such variances are decided by the community development board as provided in sections 27-150 and 17-151.

**Sec. 27-146. - Limitations issuing a variance.**

- (a) Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.
- (b) A variance shall not be granted solely because of the presence of existing nonconformities, but shall consider topography, elevation, and other such natural occurrences in the zoning district or in the adjoining zoning district.
- (c) A modification to lot requirements so as to increase the permitted density shall not be considered a variance.
- (d) A variance shall not change the functional classification of a use permitted or permissible in a zoning district.
- (e) A variance shall not change the requirements for concurrency.
- (f) A variance shall not allow a billboard to be erected or maintained.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-147. - Required findings needed to issue a variance.**

The community development board shall not recommend approval of, any variance unless it makes a positive finding, based on substantial competent evidence presented at the public hearing, on each of the following criteria:

- (1) The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.
- (2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
- (3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general.
- (4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- (5) The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.
- (6) The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.
- (7) Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-10, § 2, 8-6-07; Ord. No. 2009-05, § 1, 6-1-09; Ord. No. 2010-14, § 24, 9-7-10)

**Sec. 27-148. - Imposition of conditions in issuing a variance.**

In issuing a variance, the community development board or the city council may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to minimize the injurious effect of the variance.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 25, 9-7-10)

## Sec. 27-149. - Expiration of issued variance.

An approved variance shall be personal to the record title owner at the time of its approval unless an applicant requests transferability and shall, in any event, expire either one (1) year after the date of approval or by earlier council action, unless construction has actually commenced. An applicant who wishes to utilize a variance that has expired must file a new application and repay the fees associated with a variance application, and the newly filed variance will go through the same process as the original variance.

(Ord. No. 2004-10, § 1, 10-4-04)

## Sec. 27-150. - Special provisions for variances and appeals regarding floodplain regulations.

- (a) **General.** ~~The community development board shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the community development board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements in chapter 30 of this Code of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.~~
- (b) **Appeals.** The community development board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter 30. Any person aggrieved by the decision of community development board may appeal such decision to the city council.
- (c) **Limitations on authority to grant variances.** The community development board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) of this section, the conditions of issuance set forth in subsection (h) of this section, and the comments and recommendations of the floodplain administrator and the building official. The community development board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.
- (d) **Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 30-5 of 27-405(c) of this chapter 30.
- (e) **Reserved. Historic buildings.** ~~A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.~~
- [deleted because the referenced section of the Florida Building Code no longer exists; this subject is now addressed by section 27-151]*
- (f) **Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of subsection (d) above, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (g) **Considerations for issuance of variances.** In reviewing requests for variances, the community development board consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  - (4) The importance of the services provided by the proposed development to the community;
  - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  - (6) The compatibility of the proposed development with existing and anticipated development;
  - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (h) **Conditions for issuance of variances.** Variances shall be issued only upon:
- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
  - (2) Determination by the community development board that:
    - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
    - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
    - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
  - ~~(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.~~

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 26, 9-7-10; Ord. No. 2011-25, § 3, 12-5-11; Ord. No. 2012-11, § 2, 12-4-12; Ord. No. 2013-01, § 2, 5-6-13)*

*State Law reference— Water resources, F.S. Ch. 373.*

**Sec. 27-151. - Special provisions where floodplain variances are-is sought for historically significant properties.**

Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on a local register of historic places or the Florida Master Site File, the state inventory of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation or restoration will cause the structure to lose its historical designation.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-152. - Violation of variance terms or conditions.**

The violation of terms or conditions of a variance shall be treated as a violation of this Code and subject to applicable remedies.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-153. - Procedure for appeal.**

- (a) The following persons may appeal to the city council any final decision of the community development board with respect to a variance for the property located within the R-1, R-2, R-3, R-4 or R-5 zoning districts:
  - (1) The applicant for the variance;
  - (2) The owner of any property within three hundred (300) feet, as described in subsection 27-144(c)(2), for which the variance was requested; or
  - (3) Any person who appeared orally or in writing before the community development board.
- (b) The notice of appeal shall state the specific error(s) alleged as the grounds for the appeal and shall be filed, along with the filing fee, as passed by resolution of the city council, with the city clerk within thirty (30) days from the date the decision of the applicable board is rendered.
- (c) At its next regular meeting, following all appropriate notice, the city council shall review the record of the hearing conducted by the community development board . No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board unless the council finds that:
  - (1) Defects in notice or procedural due process are alleged and proven; or
  - (2) The decision of the community development board is not supported by competent substantial evidence and testimony produced at the public hearing; or
  - (3) New evidence is available because of substantial changes in circumstance.
- (d) The city council must affirm, modify, or reverse, each appeal of a variance. When the council acts on an appeal of a final decision of the board, that action shall be deemed to be the final action of the city and shall be subjected to no further review by the city council.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 27, 9-7-10)*

**Sec. 27-154. - Appeal of city council decisions on variances.**

Decisions of the city council in accordance with the appeal procedures as described in section 27-153, or on variances for property located within the C-1, C-2, C-3, CBD and conservation districts, shall be subject to review only as provided by Florida law.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-155. - Reserved.**

**DIVISION 9. - SPECIAL EXCEPTIONS**

**Sec. 27-156. - Generally.**

This division establishes the procedures for applying for and granting special exceptions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-157. - Definitions.**

Refer to article I for definitions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-158. - Application requirements.**

(a) **Form.** All applications for special exceptions shall be in writing and in such form as may be determined by the city council.

(b) **Information necessary.** The application shall, at a minimum, include the following:

(1) Name and address of the owner and agent, along with notarized signatures of the same;

(2) Address and legal description of the property;

(3) Current land use. The current designation on the adopted future land use map and current zoning of the property for which and the special exception is being sought;

(4) Information necessary for the city council to make the findings as required in this division;

(5) A final development site plan drawn to an appropriate scale showing the property as it is intended to be developed or modified pursuant to the proposed special exception.

(6) For special exceptions in the C-1, C-2, C-3, and CBD zoning districts, the site plan must meet all requirements for a final development plan. For special exceptions in other zoning districts, the site plan may also be required to meet all requirements for a final development plan.

(7) For Planned Unit Developments, the site plan must meet all requirements for a final development plan, plus the special requirements in section 27-245.

(c) **Binding.** Final development plan binding upon applicant and landowner, if the special exception is granted. The site plan or final development plan, as submitted or as modified by the community development board or the city council, may be made shall be binding upon the special exception, if granted, as a condition of approval (see section 27-161).

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-158.1. - Notice requirements.**

(a) Notice indicating the time and place of the public hearing shall be posted in two (2) places in the city, one (1) of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one (1) of which shall be at city hall on the public notice board, for at least ten (10) days immediately prior to the public hearing. Such notice shall contain the address or location of the property and the nature of the application. The notice at the variance site shall be a standard size and design established by the community development board and shall be placed at the subject property by a representative of the building department.

(b) The city clerk shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ten (10) days prior to the public hearing. The advertised notice

shall state the date, time, place of the public hearing, case number, and shall contain the address of the property and the nature of the application.

- (c) At least ten (10) days prior to the public hearing, the building department shall give notice of the public hearing by U.S. Mail to the following:
  - (1) The property owner and the applicant if different from the owner; and
  - (2) The owner(s), as listed in the current Duval County Tax Assessor's records, of each property within a three hundred-foot radius of the boundary of the subject property.

~~(d) If any party described in section 27-153 does not contest the issue of proper notice within thirty (30) days from the date the applicable board renders final action on a variance, then notice shall be deemed to be in compliance with this section.~~

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 28, 9-7-10)*

### **Sec. 27-159. - Procedures for applying for and issuing a special exception.**

- (a) *Submittal of application.* The applicant shall submit a completed application using the prescribed form, as described in this division, to the city manager or designee along with the appropriate application fee.
- (b) *Consideration by community development board .* The city manager or designee shall forward said application to the community development board for consideration.
- (c) *Community development board ~~action~~ hearing.* Allowing for proper notice as specified in this division, the community development board shall conduct a public hearing and shall prepare, in writing, its comments and ~~recommendation decision to the city council~~ for approval, approval with conditions, or denial of the application, based on the standards set forth in this division. Any person at the public hearing shall be afforded the opportunity to be heard.
- (d) *Community development board action.* Unless appealed pursuant to section 27-163, the decision of the community development board shall be final for special exceptions affecting less than one acre of land, except for Planned Unit Developments. For special exceptions affecting one acre or more of land, and for all Planned Unit Developments, the decision of the community development board shall be a recommendation to the city council, which will make the final decision.
- ~~(e)~~ *City council action.* For special exceptions affecting one acre or more of land, and for all Planned Unit Developments, at the next available meeting of the city council, allowing for required notice as described in this division, the city council shall approve, deny, or approve with conditions said application after consideration of the comments and recommendations of the community development board, based on the standards set forth in this division.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-11, § 1, 9-4-07; Ord. No. 2010-14, § 29, 9-7-10)*

### **Sec. 27-160. - Required findings ~~needed to recommend for a special exception.~~**

~~The community development board may not recommend for approval. A special exception may not be approved by the community development board or the city council without making, unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:~~

- (1) The proposed use is consistent with the comprehensive plan;
- (2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;
- (3) The proposed use would not have an environmental impact inconsistent with the health, safety and welfare of the community;



- (4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety and welfare of the community;
- (5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
- (6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;
- (7) The proposed use would not overburden existing public services and facilities; and
- (8) The proposed use meets all other requirements as provided for elsewhere in this Code.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-11, § 2, 9-4-07; Ord. No. 2010-14, § 30, 9-7-10)*

**Sec. 27-161. - Imposition of conditions in issuing a special exception.**

In reviewing a special exception, the community development board, and the city council may impose such conditions and restrictions upon the premises benefited by a special exception as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the special exception.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 31, 9-7-10)*

**Sec. 27-162. - Special exception only applies to property for which permit issued.**

Any special exception granted by the community development board or the city council shall only apply to the property for which the permit was granted. Under no circumstance shall the special exception apply to any adjacent or contiguous property that may be acquired, subsequent to the issuance of the special exception.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-163. – Procedure for appeals of recommendations on a special exception.**

- (a) The following persons may appeal to the city council any final decision of the community development board with respect to a special exception:
  - (1) The applicant for the special exception;
  - (2) The owner of any property within three hundred (300) feet from the subject property; or
  - (3) Any person who appeared orally or in writing before the community development board.
- (b) The notice of appeal shall state the grounds for the appeal and shall be filed, along with the filing fee, as established by resolution of the city council, with the city clerk within thirty (30) days from the date the decision of the community development board was rendered.
- (c) The city council shall approve, deny, or approve with conditions the requested special exception after consideration of the recommendation of the community development board, based on the standards set forth in this division. When the council acts on an appeal of a final decision of the community development board, that action shall be deemed to be the final action of the city.

**Sec. 27-164. ~~27-162.1.~~ - Procedure for appeals of decisions on a special exception.**

Appeals of the grant or denial of a special exception by the community development board or the city council shall be as provided by Florida law.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. ~~27-165. 327-163.~~ - Expiration of special exception permit.**

Unless the use or construction, specially permitted by the special exception, has actually been commenced within twelve (12) months following the date the special exception is rendered, the special exception shall expire and be of no further force, validity, or effect. An extension up to an additional twelve (12) months may be granted by the City Manager, or designee, after review of a formal request in writing with supporting documentation and receipt of any applicable fees.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-04, § 1, 3-1-10)*

**Sec. ~~27-166. 27-164.~~ - Violation of special exception terms or conditions.**

The violation of terms or conditions of a special exception, shall be treated as a violation of this Code and subject to applicable remedies.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Secs. ~~27-167. 27-165—27-170.~~ - Reserved.**

**DIVISION 10. - AMENDING THIS CODE<sup>[8]</sup>**

*Footnotes: --- (8) --- State Law reference— Amending land development regulations, F.S. §§ 163.3202(1); 166.041.*

**Sec. 27-171. - Generally.**

Any portion of this Code may be amended, supplemented, changed, modified or repealed and the zoning map may be modified by the rezoning of land as provided for in this division, provided that all changes are consistent with the comprehensive plan.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-172. - Definitions.**

Refer to article I for definitions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-173. - Amendments to this Code and zoning map to be consistent with comprehensive plan.**

Amendments to this Code, and to the zoning map, shall be consistent with the comprehensive plan.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-174. - Time periods procedural.**

The time periods provided for in this division are procedural and not substantive and noncompliance with a time period shall neither confer, nor deny a substantive right to an applicant for rezoning of property.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-175. - Application requirements for rezoning of land.**

- (a) The application for rezoning shall contain:
  - (1) A current certified, signed and sealed survey prepared by a state licensed professional land surveyor;
  - (2) The street location as near as may be given;
  - (3) The name and address of the owner of the premises;
  - (4) The current designation on the adopted future land use map and the current existing land use and zoning district classification;
  - (5) The proposed land use and zoning district classification for which the application is made, and, if a comprehensive plan amendment is being requested simultaneously, the proposed designation on the future land use map;
  - (6) A description of the existing uses of the premises; and
  - (7) A clear and concise statement of the reasons advanced why such change in land use and/or zoning classification is (or will be) consistent with the comprehensive plan and the land should be made rezoned.
- (b) The application shall include an accurate plat or development plan of the premises involved and all premises within at least three hundred (300) feet thereof on a scale no smaller than two-four hundred (200)-(400) feet to the inch.
- (c) The application shall be signed by the applicant or his authorized agent and by the property owner if different than the applicant, or his authorized agent and these signatures shall be notarized.
- (d) The applicant may attach to such application any written support for such change, signed by owners of property within two hundred (200) feet of the premises for which such change is requested or other studies or written statements relevant bearing materially upon the matter.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-176. - Withdrawal of application for rezoning of land.**

An application for rezoning may be withdrawn at any time so long as no notice has been given as specified in this Code.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-177. - Procedure for rezoning of land.**

- (a) The applicant shall submit to the city manager, or designee, one (1) completed application and appropriate fee, together with evidence that the deposit required by law to cover all costs of each publication of every required notice of public hearing thereon has been made with the city manager or designee.
- (b) Within ten (10) days after receipt of an application, the city manager or designee shall determine that the information is complete or incomplete and inform the applicant of any deficiencies, if any. If the application is deemed:
  - (1) Incomplete, the applicant may submit the required information within thirty (30) days without payment of an additional application fee, but, if more than thirty (30) days elapse, the developer must thereafter initiate a new application and pay a new application fee; or
  - (2) Complete, the city manager or designee shall forward said application to the community development board.
- (c) The community development board shall:
  - (1) Conduct such study and investigation of the matter as shall be necessary or proper;

- (2) Conduct a public meeting-hearing to discuss the proposed changes and make a recommendation to the city council that the application should be approved, denied, or approved with modifications.
- (d) The city council upon receiving such recommendation, shall conduct a public hearing on the proposed ordinance not more than sixty (60) days or less than thirty (30) days from the date the community development board renders-submits its written recommendation.
- (e) After the adoption of an ordinance rezoning land, the city clerk shall forward a certified copy to the Property Appraiser of Duval County, Florida.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 32, 9-7-10)

**Sec. 27-178. - Notice and procedural requirements for rezoning of land or changes to Code.**

- (a) *Sign posted.* A-The designated sign shall be posted on the premises involved in the rezoning at least three (3) weeks prior to the community development board meeting and remain until the city council takes final action.
- (b) *Required sign dimensions.* The required sign shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width.
- (c) *Location of posted sign.* The sign shall be posted within ten (10) feet of the street upon which the premises face and shall be plainly visible, unobstructed and legible from the street.
- (d) *Process, public hearings and notification for amendments to this Code or rezoning of land (city council public hearing).* The amendment process, including public hearings and notification regarding amendments to this Code which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. Ch. 166, as amended.
- (e) If any aggrieved party does not contest the issue of proper notice within thirty (30) days of the city council rendering its decision, then notice shall be deemed to be in compliance with this section.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 33, 9-7-10)

**Sec. 27-179. - Limitations on rezoning of land and changes to Code.**

- (a) No ordinance to rezone land shall contain conditions, limitations, or requirements not applicable to all other land in the zoning district to which the particular land is rezoned.
- (b) No ordinance to rezone land or to change this Code that would be inconsistent with the comprehensive plan shall be adopted.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-180. - Limitations on reapplication for rezoning.**

- (a) Whenever the council has denied an application for the rezoning of land, no further application shall be filed for the rezoning of a part or all of the same land for a period of one (1) year from the date of the denial.
- (b) In the event that two (2) or more applications for the land have been denied, no further application shall be filed for the same rezoning of a part or all of the same land for a period of two (2) years from the date of the last denial.
- (c) These time limits may be waived by an affirmative vote of two-thirds of the council when this action is deemed necessary to prevent injustice or to facilitate the proper development of the city.

(Ord. No. 2004-10, § 1, 10-4-04)

**Secs. 27-181, 27-182. - Reserved.**

## **DIVISION 11. - AMENDING THE COMPREHENSIVE PLAN**

### **Sec. 27-183. - Generally.**

This division establishes the means to amend the adopted comprehensive plan.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-184. - Simultaneous action on amendment to the comprehensive plan and this Code.**

In cases where a change in the comprehensive plan is needed prior to receiving a change in this Code, or the zoning map, nothing shall prohibit the application of an amendment to the comprehensive plan to be processed simultaneously, provided that the consideration of the amendment to the comprehensive plan by the community development board and the city council shall appear first on any agenda. In such instances, two (2) separate ordinances will be required for each action.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 33, 9-7-10)*

### **Sec. 27-185. - Definitions.**

Refer to article I for definitions.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-186. - Changes to five-year schedule of capital improvements.**

Modifications to update the five-year schedule of capital improvements, which is an integral part of the capital improvements element of the comprehensive plan, may be accomplished by ordinance and are not required to be amendments to the comprehensive plan. See F.S. Ch. 163.3177(3). Corrections, updates or modifications of costs to the five-year schedule of capital improvements shall not constitute amendments to the comprehensive plan.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### **Sec. 27-187. - Preliminary procedure for amending the comprehensive plan.**

- (a) Any person, board, or agency may apply in writing to amend the comprehensive plan.
- (b) The city manager, or designee, shall forward said proposed amendment to members of the community development board.
- (c) The city manager, or designee, shall notify and solicit comments relative to the proposed amendment from the adjacent communities of the City of Jacksonville, the City of Jacksonville Beach, and the City of Atlantic Beach.
- (d) The community development board shall hold a public hearing to consider said proposed amendment and thereafter shall submit to the city council a written recommendation which:
  - (1) Identifies any provisions of the Code, comprehensive plan, or other law relating to the proposed change and describes how the proposal relates to them.
  - (2) States factual and policy considerations pertaining to the recommendation.
  - (3) Includes those comments or recommendations received from adjacent communities.
  - (4) Confirms that this public hearing complied with all requirements of the Community Planning Act (see F.S. 163.3184).

(e) After this public hearing, the proposed amendment shall be forwarded to the city council (see section 27-188)

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 34, 9-7-10)

**Sec. 27-188. - Notice-Formal requirements for amending the comprehensive plan.**

(a) ~~Process, public hearings and notification for comprehensive plan amendments (city council public hearing). The formal amendment process, including public hearings and notification for comprehensive plan amendments, shall be as required by F.S. Ch. 163, Part II known as the Local Government Comprehensive Planning and Land Development Regulation Act, and Rule 9J-11 as promulgated by the Florida Department of Community Affairs-Community Planning Act.~~

~~(b) If any aggrieved party does not contest the issue of proper notice within thirty (30) days of the city council rendering its decision, then notice shall be deemed to be in compliance with this section.~~

(b) Two public hearings before the city council are required by the Community Planning Act:

(1) A transmittal hearing, after which certain agencies are given an opportunity to review amendments that the city council is continuing to consider.

(2) A formal adoption hearing, where a proposed amendment may be adopted by ordinance.

(c) The effective date of amendments adopted by ordinance will be established in accordance with the Community Planning Act.

(Ord. No. 2004-10, § 1, 10-4-04)

State Law reference— Amending comprehensive plan, F.S. § 163.3184 et seq.

**Secs. 27-189—27-210. - Reserved.**

## ARTICLE IV. - LAND USE<sup>9</sup>

### Sec. 27-211. - Reserved.

### Sec. 27-212. - Generally.

This article establishes zoning districts and describes the uses that may occur within each district and establishes minimum and maximum building requirements.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### Sec. 27-213. - Applicability.

All uses of land or buildings that are erected, reconstructed, enlarged, moved, or structurally altered, shall comply with all the district regulations established by this article for the district in which the building or land is located.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### Sec. 27-214. - Findings of fact.

The city council finds that unrestricted use of land and uncontrolled development can reduce the quality of life for the residents and visitors to Neptune Beach. In addition, the control of land uses and development promotes the public health, safety general welfare, and the natural, historical and cultural environment.

*(Ord. No. 2004-10, § 1, 10-4-04)*

### Sec. 27-215. - Purpose and intent.

(a) The City of Neptune Beach, Florida is a residential community. The primary goals of the city, upon which the comprehensive plan was developed, are to preserve the natural beauty, pleasant environment and unique character of the city; to retain the quality of our existing residential neighborhoods by encouraging the residents to maintain and improve their property and protect these areas from the encroachment of detrimental and noncompatible land uses; and to insure that future residential areas are well planned and provided with full and adequate urban services.

(b) The intent of this zoning article is to ~~insure~~ ensure that the city's adopted goals are pursued and to insure that other necessary and desired land uses are regulated. This article is also adopted for the following purposes:

- (1) To regulate and limit the height and size of buildings;
- (2) To regulate and limit the intensity of the use of land;
- (3) To regulate traffic circulation on public streets and highways in order to lessen congestion;
- (4) To provide for adequate light, air, open space and scenic views;
- (5) To promote civic amenities of natural, historical, and cultural importance and of beauty and visual interest;
- (6) To regulate density of population and thus prevent the overcrowding of land in order to facilitate the provision of adequate community facilities and services such as water, sewerage, schools, parks and similar city functions;
- (7) To promote a wholesome, serviceable and attractive city, increase the safety and security of home life, and preserve and create a more favorable living environment;
- (8) To classify, regulate and restrict the location of trades and industries; and

- (9) To minimize the conflict between land uses.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-216. - Definitions.**

The definitions are found in article I.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-217. - Zoning map.**

- (a) There shall be a map known and designated as the "Zoning Map: Neptune Beach, Florida" that is hereby incorporated by reference. Said map may be referred to herein as the "zoning map." This map shall show:
- (1) The boundaries and designations of all zoning districts within the city and subsequent amendments;
  - (2) The date of adoption and subsequent amendments;
  - (3) The signatures of the mayor and city clerk of Neptune Beach; and
  - (4) The number of the adoption ordinance.
- (b) The city clerk shall keep the original zoning map as a public record and a reproducible copy.
- (c) Copies of the zoning map may be obtained from the city clerk for a fee established by the city manager to cover the cost of reproduction.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-218. - Amendments to zoning map.**

- (a) Amendments to the zoning map shall be made as set forth in article III.
- (b) The city manager or designee shall update the zoning map as soon as possible after amendments are made to district boundaries or when a rezoning of land is approved by the city council and shall indicate on the map the date of revision.
- (c) The city clerk shall keep copies of superseded prints of the zoning map for historical reference as a public record.
- (d) Under no circumstance shall any district be established, combined, amended, or abolished that would be inconsistent with the comprehensive plan, until such time as the comprehensive plan is amended to allow such action.

*(Ord. No. 2004-10, § 1, 10-4-04)*

*State Law reference— Amendments to zoning map, F.S. § 166.041.*

**Sec. 27-219. - Interpretation of zoning district boundaries.**

Interpretations regarding boundaries of zoning districts shall be made in accordance with the following rules, provided that the result of such application is not inconsistent with the comprehensive plan:

- (1) Boundaries shown as following or approximately following any street or alley shall be construed as following the centerline of the street or alley.
- (2) Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.



- (3) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- (4) Boundaries indicated as following city limits shall be construed as following such city limits.
- (5) Distances not specifically indicated shall be determined by the scale of the map.
- (6) Where any street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (7) In cases where any further uncertainty exists, the community development board shall consider the intent of the zoning map as to location of such boundaries, and provide the city council with its recommendation; however the city council shall make the final interpretation.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 35, 9-7-10)*

**Sec. 27-220. - Division of lot of record by district boundary.**

Where a district boundary clearly divides a lot of record, the zoning district classification imposing the strictest regulations shall prevail through out the entire lot, and any proposed development herein, shall be reviewed as per the special exception procedure outlined in article III.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-221. - Zoning districts established.**

The following base districts are hereby established:

- (1) Residential R-1;
- (2) Residential R-2;
- (3) Residential R-3;
- (4) Residential R-4;
- (5) Residential R-5;
- (6) Commercial C-1;
- (7) Commercial C-2;
- (8) Commercial C-3;
- (9) Central business district CBD;
- (10) Conservation.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-222. - Purpose and intent of zoning districts.**

- (a) The City of Neptune Beach has developed over the years as a city with unique character and environment. Since a primary goal of the city is to retain this environment as much as possible, this zoning article must impose certain appropriate restrictions on the use of land within the city limits of Neptune Beach to ensure that future development is in keeping with the existing development.
- (b) The regulations and requirements herein set forth have been made in accordance with the city's comprehensive plan, with reasonable consideration having been given to, among other things, the prevailing land uses, growth characteristics and the character of respective districts and their suitability for particular uses, and the encouragement of the most appropriate use of land throughout the city.
  - (1) The design goals for new construction or improvements are as follows:

- a. To preserve the natural beauty of Neptune Beach and protect the residential character of the city from the effects of inharmonious and out of scale developments.
  - b. To encourage originality, flexibility, and innovation in site planning and development.
  - c. To discourage monotonous, drab, unsightly, dreary and inharmonious developments.
  - d. To conserve the city's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of buildings, structures, and other improvements.
  - e. To protect and enhance the city's aesthetic and natural appeal.
  - f. To maintain and improve property values.
  - g. To achieve the beneficial influence of pleasant environments for living and working.
  - h. To foster citizen participation in local government and in community growth, change and improvements.
  - i. To sustain the comfort, health, tranquility and contentment of residents by reason of the city's favorable environment.
  - j. To preserve distinctive examples of existing architecture that have contributed to the historic development of Neptune Beach's character.
- (2) The design objectives for new construction or improvements are as follows:
- a. **Site design.** Good site design is essential to good building design. Site improvements should be compatible with, and sensitive to, the natural features of the site and the surrounding area. Design solutions should relate to and take advantage of site topography, trees, vegetation and slope. Designs should recognize the limitations of the land and work with these limitations rather than ignoring them or trying to override them.
  - b. **Neighborhood design.** Site improvements should be compatible with structures existing on neighboring parcels and should be sensitive to their designs and property rights. Designs which conflict with the use and enjoyment of any property should be avoided. Buildings should be designed in scale with the neighborhood and should complement the character of the neighborhood, rather than conflict with it.
  - c. **Scale, mass and bulk.** Buildings should not present excess visual mass or bulk to public view or to adjoining properties. Large box-like buildings and buildings with large, blank or continuous, unrelieved surfaces can appear massive. When viewed from the public right-of-way, excessive mass detracts from the character of Neptune Beach's individual neighborhoods. When viewed from adjoining properties, excess mass can effectively act as a wall that dominates neighboring structures, and interferes with the enjoyment of open space and the free passage of light and air. The use of natural materials, the breaking up of building planes and the creative use of landscaping can all be used to avoid excess mass as shown in Figure 27-222-1. Buildings with uninterrupted facades of more than two hundred (200) feet long are prohibited.

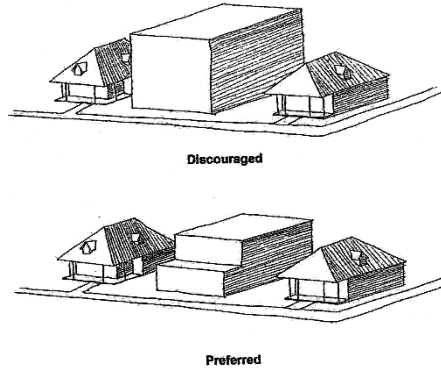


Figure 27-222-1

*[Figure 27-222-1 moved here from end of article IV]*

- d. **Recreational structures.** Recreational improvements such as swimming pools, spas, tennis courts, basketball courts, etc., should be located on properties so that the use and enjoyment does not negatively impact adjacent properties from an activity or visual context.
- e. **Boxed-in neighbors.** Designs should protect and preserve the light, air and open space of surrounding properties when considered cumulatively with other buildings in the neighborhood. Designs incorporating tall or bulky building elements located near the property line of an adjoining site that is already partially boxed-in by previous development should be avoided.
- f. **Architectural style.** Neptune Beach contains an eclectic mix of architectural styles including virtually all of the traditional and contemporary architectural styles, in whole or in part. Compatibility with neighborhood character demands the use of architectural styles and elements that are commonly found in Neptune Beach and within Florida. Unique architectural styles that are uncommon in residential environments should be avoided.
- g. **Privacy.** Designs should respect the privacy of neighbors. The placement of windows, doors, balconies, and decks should be sensitive to similar improvements on neighboring properties.
- h. **Landscaping.** Designs should coordinate building elements with landscaping to achieve a pleasing overall site design. Landscaping can achieve other design objectives such as breaking up mass and bulk, and protecting privacy, but such use of landscaping should not substitute for good building design in conformance with all design objectives.
- i. **Protect the urban tree canopy.** Site improvements should be designed to preserve significant trees and to maintain the urban tree canopy as a distinctive feature of our city's charm.
- j. **Private views.** Design should respect views enjoyed by neighboring parcels. It is the intent of this objective to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing view enjoyed on another parcel should be avoided.
- k. **Equity.** Design controls should be fair and not grant privileges to some sites while withholding them from other sites. The design review process should be fair and decisions should be reached in an unbiased manner.

(3) The residential R-1, and residential R-2, and residential R-3 zoning districts are intended to provide for single-family residences with densities not to exceed five (5) dwelling units per acre.

Other nonresidential uses are permitted that are consistent with the residential character of this district and as specified in section 27-226. This district corresponds to the Suburban Residential I residential, low-density designation on the adopted future land use map.

(4) The residential R-3 zoning district is intended to provide for single-family residences with densities not to exceed five (5) dwelling units per acre. Other nonresidential uses are permitted that are consistent with the residential character of this district and as specified in section 27-226. This district corresponds to the Traditional Residential I designation on the adopted future land use map.

(45) The residential R-4 zoning district is intended to provide for single-family residences and two-family (duplex) residences with densities not to exceed ten (10) dwelling units per acre. Other nonresidential uses are permitted that are consistent with the residential character of this district. This district corresponds to the Suburban Residential II and Traditional Residential II residential, medium-density designations on the adopted future land use map. The Residential Conservation (RC) overlay, which covers a portion of the R-4 zoning district, implements Comprehensive Plan policies adopted in 2021 regarding two-family (duplex) residences east of 3rd Street (see section 27-242).

(56) The residential R-5 zoning district is intended to provide for single-family residences, two-family (duplex) residences, and multifamily residences with densities not to exceed seventeen (17) dwelling units per acre. Other nonresidential uses are permitted that are consistent with the residential character of this district. This district corresponds to the Suburban Residential III and Traditional Residential III residential, high-density designations on the adopted future land use map.

(67) The commercial C-1, zoning district is intended to provide for office and professional services and retail sales that meet routine needs of residents in buildings that promote walkability. This district corresponds to the Walkable Commercial Corridor commercial-low designation on the adopted future land use map.

(78) The commercial C-2, zoning district is intended to provide for retail sales and services for one (1) or more neighborhoods. This district corresponds to the Commercial I and Neighborhood Center commercial-medium designations on the adopted future land use map.

(89) The commercial C-3, zoning district is intended to provide retail sales and services that serve the overall community. This district corresponds to the Commercial II commercial-high designation on the adopted future land use map.

(910) The central business district CBD, zoning district is intended to allow a mix of commercial uses and compatible residential uses that will encourage an urban intensive, pedestrian oriented neighborhood ambiance. The CBD is further established to encourage the continuation of the present unique Central Business District of Neptune Beach, as well as, the continuation of its present aesthetically pleasing environment, to provide areas for the concentration of compatible land uses, to provide sufficient space for appropriate commercial, miscellaneous service activities and residences which will strengthen the city's economic base, and to prevent the intrusion of objectionable land uses. This district corresponds to the Town Center designation on the adopted future land use map.

(4011) The conservation zoning district provides protection for environmentally sensitive lands.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-08, § 1, 6-5-06; Ord. No. 2006-13, § 2, 7-10-06)*

### **Sec. 27-223. - Regulations to apply uniformly throughout zoning district.**

The regulations for each zoning district as contained in this Code shall apply uniformly to each structure and use and to all land and water within the boundaries of the zoning district, except where this code specifically indicates otherwise, such as for overlay districts.

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-224. - Overlay districts established. Special flood hazard district, shallow flooding district, and coastal high hazard district established.**

This code establishes several The special flood hazard district, shallow flooding district, and coastal high hazard districts are hereby established as overlay districts, meaning that these districts are overlaid upon the other established base zoning districts which are listed in section 27-221. The land included in such district may be used in a manner permitted in the base district to the extent such use is permitted in the applicable overlay district. The Special regulations that apply to these overlay districts are provided in other portions further described in article VIII of this Code. The following overlay districts have been established and provide special regulations that apply in addition to regulations in the base zoning districts:

- (1) Neighborhood Center (NC), as described in Table 27-239 and in section 27-247 of this article
- (2) Residential Conservation (RC), as described in Table 27-239 and in Section 27-243 of this article
- (3) Coastal High-Hazard Area (CHHA), as described on Maps A-3 and E-1 and in policies under Objective E.1.4 in the Neptune Beach Comprehensive Plan
- (4) Areas where buildings must be elevated, from Flood Insurance Rate Maps (FIRM), as described in chapter 30 of this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-225. - Uses expressly prohibited within zoning districts.**

The following uses are expressly prohibited within the zoning districts as provided for below:

- (1) R-1, R-2, R-3, R-4, and R-5 districts: In addition to the provisions of subsection 27-226(d) below, the following uses are expressly prohibited: Short-term rentals and all commercial activities, except Home-Based Businesses-home occupations as provided for in article V.
- (2) C-1, C-2 districts: Residential dwellings, mini-warehouses, gas stations, drive-thru facilities for any purpose, drive-in restaurants, bingo and gambling (except for as stated in F.S. Ch. 24).
- (3) C-2 district: Residential dwellings, gas stations, mini-warehouses, bingo and gambling (except for as stated in F.S. Ch. 24).
- (34) C-3 district: Residential dwellings, mini-warehouses-gas stations, bingo and gambling (except for as stated in F.S. Ch. 24).
- (45) CBD district: Mini-warehouses, gas stations, drive-thru facilities for any purpose, drive-in restaurants, bingo and gambling (except for as stated in F.S. Ch. 24).
- (56) All zoning districts: Adult arcade amusement center, electronic game promotions, game centers/arcades, gaming, video poker establishments, computer game centers, and/or games played on individual machines and/or computers, including any type of card, token and/or coin-operated video and/or simulated games and/or similar activities and/or machines which are played for any type of compensation and/or reward.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2007-07, § 2, 6-4-07; Ord. No. 2008-10, § 2, 9-8-08; Ord. No. 2011-03, § 2, 2-17-11; Ord. No. 2016-07, § 2, 7-6-16; Ord. No. 2016-08, § 1, 8-1-16)

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

(a) All uses shall conform to the standards for each zoning district as provided below.

- (1) However, Because the lists of permissible uses are is not exclusive, those uses not listed, and which may not be interpreted by the city manager or designee to be similar to any other listed use, shall be prohibited. If a proposed use might fall within more than one group of uses identified in section 27-226, the city manager or designee will determine which most closely and

most specifically matches the proposed use, taking into account the reasonably expected land-use impacts from the proposed use.

(2) Parcels with the following designations on the adopted future land use map have typically been assigned the same zoning district as comparable abutting land:

a. Government & Public Utilities.

b. Education.

c. Recreation & Open Space.

(b) **Conservation (CON):**

(1) **Intent.** The CON zoning district is intended to provide for protection for environmentally sensitive lands. This district corresponds to the Conservation designation on the adopted future land use map.

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

a. Single-family residence by special exception;

b. Docks;

c. Retaining walls.

(c) **Residential-1 (R-1):**

(1) **Intent.** The R-1 zoning districts are intended to provide for single-family residences. This district corresponds to portions of the Suburban Residential I residential low density designation on the adopted future land use map.

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

a. Single-family residence;

b. Public park/recreation area;

c. Family day care home, as defined by F.S. §§ 402.26—402.319;

d. Accessory structures and uses as defined by article V.

(3) **Uses by special exception.** The uses permitted by special exception within the R-1 zoning district shall be:

a. Government uses, buildings and utilities;

b. Elementary, junior and high schools;

c. Worship facility and child care associated with facility.

(d) **Residential-2 (R-2):**

(1) **Intent.** The R-2 zoning districts are intended to provide for single-family residences. This district corresponds to portions of the Suburban Residential I residential low density designation on the adopted future land use map.

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

a. Single-family residence;

b. Public park/recreation area;

c. Family day care home, as defined by F.S. §§ 402.26—402.319;

d. Accessory structures and uses as defined by article V.

(3) **Uses by special exception.** The uses permitted by special exception within the R-2 zoning district shall be:

- a. Government uses, buildings and utilities;
- b. Elementary, junior and high schools;
- c. Worship facility and child care associated with facility.

(e) **Residential-3 (R-3):**

- (1) **Intent.** The R-3 zoning districts are intended to provide for single-family residences. This district corresponds to the Traditional Residential I residential low density designation on the adopted future land use map.
- (2) **Permitted uses.** The use permitted within the R-3 zoning district shall be:
  - a. Single-family residence;
  - b. Public park/recreation area;
  - c. Family day care home, as defined by F.S. §§ 402.26—402.319;
  - d. Accessory structures and uses as defined by article V.
- (3) **Uses by special exception.** The uses permitted by special exception within the R-3 zoning district shall be:
  - a. Government uses, buildings and utilities;
  - b. Elementary, junior and high schools;
  - c. Worship facility and child care associated with facility.

(f) **Residential-4 (R-4):**

- (1) **Intent.** The R-4 zoning district is intended to provide for single-family and two-family (duplex) residences with densities not to exceed ten (10) dwelling units per acre. This district corresponds to the Suburban Residential II designation and the Traditional Residential II residential medium density designation on the adopted future land use map. The Residential Conservation (RC) overlay applies to R-4 land east of 3rd Street, which has been assigned to the Traditional Residential II designation on the adopted future land use map.
- (2) **Permitted uses.** The uses permitted within the R-4 zoning district shall be:
  - a. Single-family residence;
  - b. Two-family (duplex) residence
  - c. Public park/recreation area;
  - d. Family day care home, as defined by F.S. §§ 402.26—402.319;
  - e. Accessory structures and uses as defined by article V.
- (3) **Uses by special exception.** The uses permitted by special exception within the R-4 zoning district shall be:
  - a. Government uses, buildings and utilities;
  - b. Elementary, junior and high schools;
  - c. Worship facility and child care associated with facility.

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

- (1) **Intent.** The R-5 zoning districts are intended to provide for single-family residences, two-family (duplex) residences and multifamily residences with densities not to exceed seventeen (17) dwelling units per acre. This district corresponds to the Suburban Residential III and Traditional Residential III designations residential high density on the adopted future land use map.
- (2) **Permitted uses.** The uses permitted within the R-5 zoning district shall be:

- a. Single-family residence;
  - b. Two-family (duplex) residence;
  - c. Multifamily residence;
  - d. Public park/recreation area;
  - e. Family day care home, as defined by F.S. §§ 402.26—402.319;
  - f. Accessory structures and uses as defined by article V.
- (3) **Uses by special exception.** The uses permitted by special exception within the R-5 zoning district shall be:
- a. Government uses, buildings and utilities;
  - b. Elementary, junior and high schools;
  - c. Worship facility and child care associated with facility;
  - d. Adult day care;
  - e. Child day care;
  - f. Nursing home;
  - g. Adult congregate living facility.
- (h) **Commercial-1 (C-1):**
- (1) **Intent.** The C-1 zoning districts are intended to provide for office, retail sales, and professional services. This district corresponds to the ~~commercial-low~~ Walkable Commercial Corridor designation on the adopted future land use map.
- (2) **Permitted uses.** The uses permitted within the C-1 zoning district shall be:
- a. Bed and breakfast
  - b. Interior service restaurant, carry-out and delivery restaurant;
  - c. Outdoor seating/dining for restaurant on private property (see subsection 27-227(b)(5));
  - ad. Business and professional offices including, architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
  - ae. Financial institution, insurance and real estate offices;
  - f. Personal service establishments as follows: laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies).
  - g. Retail sales, wholesale sales (including on-site storage of stock), package liquor store, and pharmacy.
  - h. Dance, art, dramatic, gymnastics and music studio;
  - ei. Travel agencies;
  - ej. Photographic studios;
  - k. Social, fraternal club, lodge and union hall
  - el. Public park/recreation area;
  - fm. Accessory structures and uses as defined by article V.
- (3) **Uses by special exception.** The uses permitted by special exception within the C-1 zoning district shall be:



- a. Day spa;
- a. Planned unit development (PUD);
- b. Outdoor seating/dining for restaurants on public property (see subsection 27-227(b)(5));
- bc. Parking lot (not associated with any business);
- cd. Government uses, buildings and utilities;
- de. Elementary, junior and high schools;
- e. Dance, art, dramatic, gymnastics and music studio;
- f. Indoor recreation, amusement and entertainment (including: theater, night club, private club and bar/tavern)
- fg. Worship facility and child care associated with facility;
- gh. Social, fraternal club, lodge and union hall;
- hi. Library, museum and art gallery.

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

- (1) **Intent.** The C-2 zoning districts are intended to provide for retail sales and service for one (1) or more neighborhoods. This district corresponds to the ~~commercial medium~~ **Commercial I and Neighborhood Center** designations on the adopted future land use map.
- (2) **Permitted uses.** The uses permitted within the C-2 zoning district shall be:
  - a. Interior service restaurant, carry-out and delivery restaurant, fast-food restaurant, drive-in restaurant;
  - b. Outdoor seating/dining for restaurant on private property (see subsection 27-227(b)(5));
  - bc. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
  - ed. Financial institution, insurance and real estate offices;
  - de. Travel agencies;
  - ef. Retail sales, shopping center, wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store and pharmacy;
  - fg. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);
  - gh. Dance, art, dramatic, gymnastics and music studio;
  - hi. Library, museum and art gallery;
  - ij. Public park/recreation area;
  - jk. Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility);
  - kl. Radio and television broadcasting studio;
  - lm. Accessory structures and uses as defined by article V;
  - mn. Nursing home;

- po. Adult congregate living facilities;
- op. Funeral establishment;
- q. Social, fraternal club, lodge and union hall
- pr. Medical marijuana treatment center.

(3) **Uses by special exception.** The uses permitted by special exception within the C-2 zoning district shall be:

- a. Planned unit development (PUD);
- b. Outdoor seating/dining for restaurant on public property (see subsection 27-227(b)(5)); fast food restaurant, drive-thru service window for a restaurant;
- c. Retail sales with drive-thru service window;
- dc. Motor vehicle service;
- ed. Parking lot (not associated with any business);
- fe. Moving business (no mini-warehouses);
- gf. Government uses, buildings and utilities;
- hg. Recycling collection center;
- ih. Elementary, junior and high school, trade business or vocational school, college, community college or university;
- ji. Worship facility and child care associated with facility;
- k. Social, fraternal club, lodge and union hall;
- lk. Recreation, amusement and entertainment (including, theater, night club, private club and bar/tavern);
- ml. Light manufacturing;
- m. Wholesale sales (on-site storage of stock);
- n. Day care facilities.

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

(1) **Intent.** The C-3 zoning districts are intended to provide for retail sales and service that serve the overall community. This district corresponds to the ~~commercial high~~ Commercial II designation on the adopted future land use map.

(2) **Permitted uses.** The uses permitted within the C-3 zoning district shall be:

- a. Hospital;
- b. Hotel/motel;
- c. Interior service restaurant, carry-out and delivery restaurant, fast-food restaurant, drive-in restaurant;
- d. Outdoor seating/dining for restaurant on private property (see subsection 27-227(b)(5));
- de. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
- f. Financial institution, insurance and real estate offices;
- g. Indoor athletic and exercise facility;

- eh. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);
- fi. Retail sales, shopping center wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store, pharmacy;
- gj. Parking lot (not associated with any business);
- hk. Trade business or vocational school, college, community college or university;
- il. Dance, art, dramatic, gymnastics and music studio;
- jm. Library, museum and art gallery;
- kn. Public park/recreation area;
- lo. Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility, theater, night club, private club and bar/tavern);
- mp. Radio and television broadcasting studio;
- mq. Accessory structures and uses as defined by article V;
- er. Nursing home;
- ps. Adult congregate living facility;
- qt. Funeral establishment;
- ru. Medical marijuana treatment center.

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

- a. Planned unit development (PUD);
- b. Outdoor seating/dining for restaurant on public property (see subsection 27-227(b)(5)), fast food restaurant, drive-thru service window for a restaurant;
- c. Wholesale sales (on-site storage of stock);
- d. Adult entertainment and service;
- e. ~~Retail sales with drive-thru service window;~~
- fe. Bus or other transportation terminal;
- gf. Motor vehicle services;
- hg. Moving business (no mini-warehouses);
- ih. Government uses, buildings and utilities;
- ji. Recycling collection center;
- kj. Worship facility and child care associated with facility;
- lk. Social, fraternal club, lodge and union hall;
- ml. Light manufacturing;
- am. Day care facilities.

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

(1) **Intent.** The CBD zoning district is intended to allow a mix of commercial uses and compatible residential uses that will encourage an urban intensive, pedestrian oriented, neighborhood

ambiance. The CBD is further established to encourage the continuation of the present unique Central Business District of Neptune Beach, as well as, the continuation of its present aesthetically pleasing environment, to provide areas for the concentration of compatible land uses, to provide sufficient space for appropriate commercial, miscellaneous service activities and residences which will strengthen the city's economic base, and to prevent the intrusion of objectionable land uses. This district corresponds to the Town Center designation on the adopted future land use map.

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

- a. Hotel/motel;
- b. Bed and breakfast;
- c. Interior service restaurant, carry-out and delivery restaurant;
- d. Outdoor seating/dining for restaurant on private property (see subsection 27-227(b)(5));
- de. Professional offices (including, architects, accountants, doctors, dentists, home health care services, legal services, realtors, veterinary clinic);
- f. Financial institution, insurance and real estate offices;
- g. Personal service establishments limited to the following: photographic studios, beauty and barber shops, day spa, nail and waxing salon;
- eh. Retail sales, wholesale sales (including on-site storage of stock), package liquor store, and pharmacy;
- f. ~~Dry cleaner;~~
- gi. Government uses, buildings and utilities;
- hj. Dance, art, dramatic, gymnastics and music studio;
- ik. Library, museum and art gallery;
- jl. Public park/recreation area;
- km. Recreation, amusement and entertainment (including, billiard and pool hall, arcade, miniature golf, theater, night club, private club and bar/tavern);
- ln. Accessory structures and uses as defined by article V.

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

- a. Planned unit development (PUD);
- ab. Single-family, two-family (duplex) and multifamily residences;
- c. Outdoor seating/dining for restaurant on public property (see subsection 27-227(b)(5)); fast food restaurant, drive-thru service window for a restaurant;
- d. ~~Day Spa~~
- e. ~~Retail furniture and/or applicant;~~
- f. ~~Retail sales with drive-thru service window;~~
- gd. Parking lot (not associated with any business);
- h. ~~College, community college or university;~~
- i. ~~Worship facility and child care associated with facility;~~
- je. Social, fraternal club, lodge and union hall;
- kf. Indoor athletic and exercise facility.

**Sec. 27-227. - Special restrictions and conditions on allowable uses within zoning districts.**

(a) No use that produces undue vibration, dust, smoke, fumes, or noise or that is otherwise offensive, obnoxious, or detrimental to the neighborhood shall be permitted.

(b) The following special restrictions and conditions apply to the permissible uses identified below:

**(1) Two-family residence (duplex):**

a. Applicable building code requirements related to construction of the type of units proposed shall be met.

b. The subject lot or parcel of land shall not be subdivided illegally, and shall only be developed according to the criteria established in the appropriate Code section.

c. ~~The addition Construction of any accessory apartment to a two-family (duplex) residence shall constitute a dwelling unit for purposes of determining the number of living units on a property.~~

d. ~~Also see section 27-242 regarding two-family (duplex) residences east of 3rd Street.~~

**(2) ~~Attached duplex or multifamily~~ Multifamily units:** Each structure containing ~~attached duplex or multifamily units~~ or each development of contiguous ~~duplex or multifamily units~~ shall comply with all regulations for ~~duplex or multifamily dwellings~~ of the districts where permitted. In addition to regulations applicable to the entire building or development, the following regulations shall apply to individual single-family units in such buildings or development:

a. No side yards shall be required for individual interior units. Exterior units shall have a minimum side yard requirement of ten (10) feet.

b. Each unit shall have access to a public or private street.

**(3) Child day care:**

a. All facilities, operation and maintenance shall meet all applicable city or state regulations for such use, and must be licensed appropriately ~~by HRS.~~

b. A development plan shall be submitted indicating designated indoor and outdoor space, fences or walls, vehicular ingress and egress, off-street parking areas, and loading and unloading areas.

**(4) Fast-food restaurant:** ~~Fast-food restaurants may have drive-thru facilities, with drive-up windows shall be allowed~~ provided the following conditions are met:

a. Adequate off-street areas shall be provided for the stacking of vehicles.

b. Vehicular ingress and egress shall be limited to adjacent major or secondary streets.

c. All drive-thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares ~~by special exception.~~

d. Drive-through windows shall be located to the rear of the building facing away from the principal abutting thoroughfare.

**(5) Interior service restaurant:**

a. Restaurants that sell alcoholic beverages shall conform to the following conditions:

1.a. The alcoholic beverages shall be sold only for consumption on the premises.

2.b. Said restaurant shall have an inside seating capacity of and be equipped to serve not less than thirty (30) people meals at one (1) time.

~~3.e.~~ Said restaurant shall derive at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.

~~4.d.~~ Any alcoholic beverage license issued to any such restaurant under the general law of the state shall not be moved to a new location, such licenses being valid only on the premises of such restaurant.

~~eb.~~ Outdoor seating may be permitted by right or as a special exception in commercial zoning districts, and shall only be provided in a controlled area, attached to the main interior service area and shall also be situated in a manner that allows for unimpeded pedestrian access along adjacent sidewalks or pedestrian ways.

~~c.~~ Outdoor seating requests for public property not owned by the interior service restaurant may be permitted as a special exception and must follow the provisions outlined in subsection 27-479(d).

~~f.~~ All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(6) **Retail, general:**

a. Outdoor sales must be an accessory use to the principal use and shall be limited to one (1) sale display area per retail store. Neptune Beach general retail stores may have outside sales on the premises of their licensed store. The sale shall be conducted by employees of the store and items offered for sale shall be property of the store and not a consignment operation or arrangement. Only products normally sold at these stores may be sold outside. Stores must apply for a yearly permit approved by the city manager or designee.

1. Outdoor sales and the outdoor display area must be on private property and located only in the central business district (CBD), C-1, C-2 and C-3 zoning districts.

2. Outdoor sales cannot occur in the right-of-way.

3. The outdoor sale display area cannot exceed one hundred fifty (150) square feet.

4. No outdoor sales shall be allowed in the area set aside, required or designated for parking, ADA routes, drive isles, driveways, maneuvering areas or unloading/loading areas. An ADA clear path must be maintained around all items in display area.

5. Any items located outdoors that meet the definition of a sign must conform to the appropriate sign ordinance and regulations.

6. Items outdoors can only be displayed during the hours when the business is open to the public.

7. The outdoor display area shall not be placed so as to obstruct vehicular traffic sight.

8. Tents, lights, banners, or other items prohibited by the Code are not allowed in conjunction with outdoor sales.

9. Outdoor sales in violation of this section will result in immediate removal of the outdoor items for sale and outdoor sale privileges will be revoked for one (1) year.

~~b.~~ No more than ~~ten~~ forty (40) percent of the gross floor area shall be used for storage.

~~c.~~ Repairs shall be incidental to sales.

~~d.~~ Rentals shall be incidental to sales.

~~ec.~~ Retail licensing shall not be construed to allow for the sale of motor vehicles on the premises.

~~fd.~~ Outdoor sales of fireworks are prohibited.

ge. All-Drive-thru facilities are allowed only in the C-2 and C-3 zoning districts and shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

h. ~~To be reviewed annually.~~

- (7) **Adult entertainment and service:** No adult bookstore or adult motion picture theater shall be located within one thousand (1,000) feet of any worship facility, residential district, establishment for the sale of alcoholic beverages for consumption on-premises, hotel/motel, primary or secondary school, park or theater.
- (8) **Dry cleaner:** Facilities shall not exceed two thousand five hundred (2,500) square feet in area, and shall be subject to all regulatory requirements for registration and handling of hazardous materials, including all requirements in chapter 23 and in article XII of chapter 27.
- a. All-Drive-thru facilities are allowed only in the C-2 and C-3 zoning districts and shall be located to the side or rear of the building away from the principle abutting thoroughfares by ~~special exception~~
- (9) **Parking lot:**
- No source of illumination for such lots shall be directly visible from any window in any residence.
  - There shall be no sales or service activity of any kind on such lots without obtaining the appropriate permit from the building department.
  - If the parking lot is located in a residential district, there shall be no movement of any vehicles on such lots between the hours of 11:00 p.m. and 7:00 a.m.
  - If in a residential district, no vehicles normally prohibited from being parked in a residential district shall be permitted to be parked in such lot as outlined in section 27-335 of this Code.
- (10) **Fire station:** Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.
- (11) **Police station:** Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.
- (12) **Post office:** Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.
- (13) **Cultural, religious, philanthropic, social and fraternal uses:** Shall be located on a principal or minor arterial as delineated on the future land use and traffic circulation maps.
- (14) **Radio and television broadcasting studio:** No outside antenna.
- (15) **Moving business by exception only:** No more than three (3) trucks, not to exceed thirty-three (33) feet each, shall be stored on-site and no storage of items to be moved shall be permitted.
- (16) **All other drive-thru facilities:** Drive-thru facilities are allowed only in the C-2 and C-3 zoning districts and shall be located to the side or rear of the building away from the principle abutting thoroughfares by ~~special exception~~.
- (17) **Medical marijuana treatment center:**
- Shall not be located within eight hundred (800) feet, by following the shortest route of ordinary pedestrian travel along public thoroughfares from the main entrance of any proposed location of any such business, of any other medical marijuana treatment center, or any pre-school, elementary, middle, or high school, church, or other place of worship.
  - Shall not operate between the hours of 2:00 a.m. and 7:00 a.m., all days of the week.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-10, § 1, 6-5-06; Ord. No. 2006-11, § 1, 8-7-06; Ord. No. 2008-05, § 1, 7-7-08; Ord. No. 2010-12, § 1, 9-7-10; Ord. No. 2010-21, § 1, 12-7-10; Ord. No. [2017-14](#), § 1, 6-5-17; Ord. No. [2017-32](#), § 4, 1-8-18)

### Sec. 27-228. - Uses permitted by special exception.

The community development board may review and the city council may permit those uses, as listed in section 27-226, that require a special exception permit according to the procedures and conditions outlined in article III of this Code.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 36, 9-7-10)

### Sec. 27-229. - Minimum Lot area requirements.

Lots shall have at least the minimum and no more than the maximum areas as provided for in Table 27-239-1 [located at end of article].

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2004-17, § 2, 11-1-04)

### Sec. 27-230. - Minimum lot width requirements.

Lots shall have at least the minimum frontage at the building restriction line as provided for in Table 27-239-1 [located at end of article].

(Ord. No. 2004-10, § 1, 10-4-04)

### Sec. 27-231. - Front yard setback requirements.

- (a) Except as provided in subsections (b) and (c) below, front yards shall have at least the minimum setback distances as provided for in [Table 27-239-4](#).
- (b) [Specific areas:]
  - (1) West side of Penman Road from Atlantic to Seagate: Thirty-five (35) feet.
  - (2) North side of Seagate Avenue from Penman Road to the western city limits: Thirty-five (35) feet.
  - (3) Florida Boulevard from Penman Road to Atlantic Boulevard: Thirty-five (35) feet.
- (c) The following special requirements shall apply where appropriate:
  - (1) Where lots comprising twenty-five (25) percent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond or behind the average front yard so established (refer to Figure 27-231-1 [at the end of article IV]).

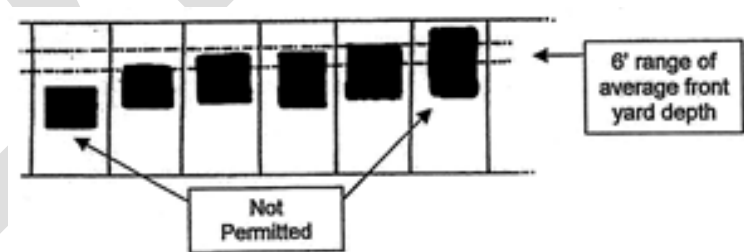
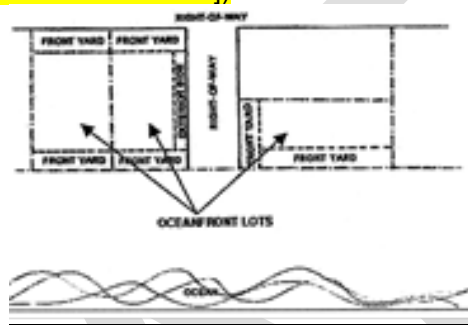


Figure 27-231-1 1

[Figure 27-231-1 moved here from end of article IV]



- (2) Where interior lots have a double frontage, unless the prevailing front yard pattern on adjoining lots indicates otherwise, the required front yard shall be provided for on both streets or the oceanfront for oceanfront lots. Where one (1) of the front yards that would normally be required on a double frontage lot is not in keeping with the prevailing yard pattern, the city manager or designee may waive the requirement for the normal front yard and substitute a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.
- (3) Front yards on corner lots. The front yard shall be considered as parallel to the street upon which the lot has its least exterior frontage. Where the front yard on corner lots, as defined herein, is not keeping with the prevailing yard pattern, the city manager or designee may waive the requirement for the determination of the normal front yard and substitute a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.
- (4) Front yards on ocean front lots. Ocean front lots shall be considered through lots or double frontage lots, such that there is a front on the street side, as well as the ocean side (refer to Figure 27-231-23 [at the end of article IV]).



**Figure 27-231-2**

*[Figure 27-231-3 moved here from end of article IV]*

- (5) Properties developed with minimum front yard setbacks shall be required to provide an adequate parking area with an appropriately designed side or rear driveway/parking court, garage or carport.

*(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2011-10, § 1, 6-6-11; Ord. No. 2012-04, § 1, 4-2-12)*

**Sec. 27-232. - Side yard setback requirements.**

Side yards shall have at least the minimum setback distances as provided for in **Table 27-239.4** [located at the end of article].

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-233. - Rear yard setback requirements.**

Rear yards shall have at least the minimum setback distances as provided for in **Table 27-239.4** [located at the end of article].

*(Ord. No. 2004-10, § 1, 10-4-04)*

**Sec. 27-234. - Measurement of minimum required yard setback.**

Front yard setbacks shall be measured from the front of the building, excluding steps, to the front of the lot. Side yard setbacks shall be measured from the side of the building, excluding steps, to the adjoining lot line. Rear yard setbacks shall be measured from the rear of the building, excluding steps and unenclosed porches, and decks with the deck floor less than thirty (30) inches above grade, to the rear lot line.

**Sec. 27-235. – Encroachments into and use of front, side and rear yards.**

- (a) Front, side and rear yards shall be open and unobstructed from the ground to the sky, except as may be otherwise permitted by this Code and except as follows below, provided such encroachments and uses comply with all building code and fire prevention provisions (Chapter 8 and 10, respectively). Permitted encroachment may not be added onto one another.
- (1) **Fences and Garden Elements.** Flagpoles, fences, walls, hedges are permitted subject to other applicable provisions of this Code. Fences and garden/yard walls may encroach into required setbacks. All support structures shall be located towards the inside of the fence.
  - (2) **Architectural Projections.** Sills, belt courses, cornices, buttresses, pilasters, chimneys, fireplaces, flues, and roof overhangs, and similar architectural projections (including gutters) for principal structures may extend encroach up to two (2) feet from the building into any required yard setback. Bay windows, which must provide habitable interior space and include at least three windows, may encroach up to three (3) feet from the building into the front, side street, and rear yards.
  - (3) **Awnings and Entry Canopies.** In residential buildings, awnings, hoods, and canopies over for windows and or doors, and bay windows may extend up to four (4) three (3) feet from the building into any required yard and shall be no closer than three (3) feet from any interior side or rear property line. They shall include appropriate design measures (e.g., rain gutters, deflection devices, etc.) to prevent stormwater from discharging onto adjacent properties. In commercial buildings, awnings and entry canopies may extend up to ten (10) feet into the required front, rear, or street-facing side yard setback. Awnings and entry canopies shall not encroach upon the public right-of-way, except in the Central Business District where they may cover a portion or all of the sidewalk, provided a minimum vertical clearance of eight (8) feet is maintained underneath them. In these cases, FDOT and Beaches Energy approval may be required.
  - (4) **Galleries and Arcades.** These frontage types, permitted only in commercial zoning districts, may encroach up to ten (10) feet into any required front and street-facing side yard. In the Central Business District, these elements may also encroach into the public right-of-way covering a portion or all of the sidewalk, provided a minimum vertical clearance of eight (8) feet and a gap of two (2) feet between the outside of the columns and the curb face is maintained. In these cases, FDOT and Beaches Energy approval may be required.
  - (5) **Projecting Porches, Stoops, and Porticos.** These entry elements may encroach a maximum of ten (10) feet into any required front, rear, or street-facing side yard and shall be no closer than five (5) feet of any interior side or rear yard property line. No porch, stoop, porticos, or steps to access such, shall encroach into the public right-of-way.
  - (6) **Balconies and Upper Level Decks & Patios.** Balconies may encroach a maximum of six (6) feet into any required yard setback and shall be no closer than five (5) feet of any interior side or rear yard property line. Except within the Central Business District, balconies shall not encroach upon any public sidewalk. Upper level decks and patios, which are distinguishable from balconies by the need for structural columns or posts, shall only be permitted in the rear yard and shall not be visible from the street or sidewalk. These upper level decks may encroach a maximum of six (6) into the required rear yard.
  - (47) **Motor Vehicle Structures.** All carports, porte cocheres, awnings and temporary structures designed to provide shelter for motor vehicles must meet all of the building code requirements, including, without limitation, wind load requirements. As these appurtenances are defined by this Code as structures, they must meet all zoning requirements that are applicable to the main structure such as setbacks, etc.
  - (58) **Uncovered or Unenclosed Outdoor Structures.** Decks and patios serving the ground level of a building, when constructed with a height of more than twenty-four (24) inches above the surrounding finished grade, may encroach a maximum of fifteen (15) feet into the required rear

yard setback, but shall be no closer than five (5) feet away from of any rear property line. Decks less than twenty-four (24) inches high are exempt from these requirements. Open or enclosed fire escapes, outside stairways and balconies may extend up to four (4) feet from the building into a required yard. Landings for stairways shall not be construed to create a deck.

(9) **Accessibility structures.** Required ADA-compliant ramps for person(s) with disabilities and fire escapes may encroach into any yard but may not be closer than five (5) feet to any property line. Such features shall not be located in a front yard if it is possible to accommodate them in a side or rear yard.

(10) **Walkways and Driveways.** Uncovered and unenclosed walkways and driveways may encroach up to 100% of the depth of any required setback unless a landscaped buffer is required. The combined width of driveways along any street-facing yard setback for residential lots may not exceed 24 feet and additional requirements must be met for driveways in the R-4 district (see Section 27-243).

(b) No part of a required yard or other open space provided in connection with one (1) structure or use shall be used to meet the requirements for another structure or use. [moved from Sec. 27-236]

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-236. — Multiple use of required yards prohibited.**

No part of a required yard or other open space provided in connection with one (1) structure or use shall be used to meet the requirements for another structure or use. [moved to Sec. 27-235]

(Ord. No. 2004-10, § 1, 10-4-04)

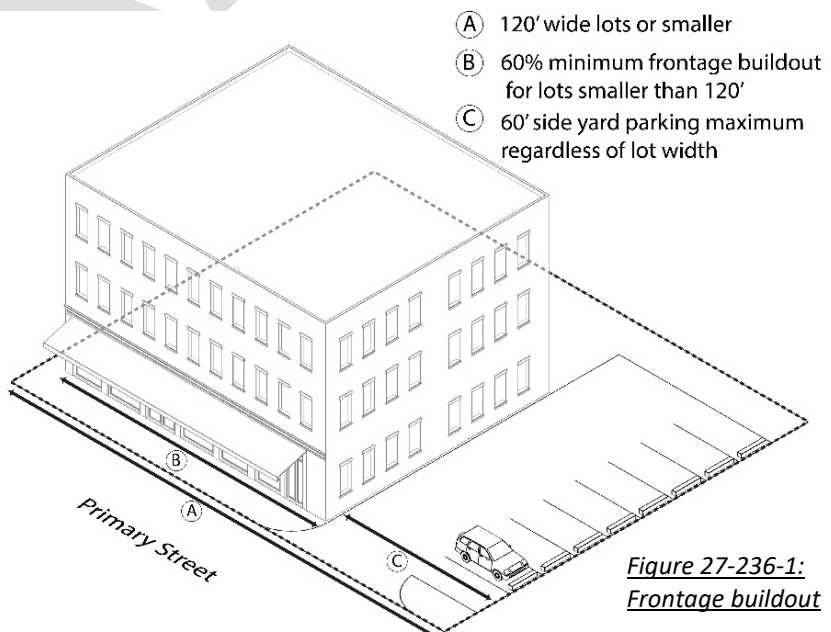
**Sec. 27-236. - Frontage requirements and standards.**

(a) **Intent.** This section sets forth the standards applicable to the development of private frontages. Private frontages are the components of a building that provide an important transitions between the public realm (street and sidewalk) and the private realm (yard or building). For each frontage type, a description, dimensional standards, and additional standards are provided.

(b) **Applicability.** Standards apply to development in the C-1, C-3, and CBD zoning districts and in the NC and RC overlay districts.

(c) **Frontage buildout requirement.** This requirement refers to the percentage of the lot width that shall have a building façade at the primary street setback line. This requirement shall only refer to commercial development in the following districts as noted below and in Table 27-239:

- (1) C-1 and C-3 District: 70% minimum frontage buildout (a reduction to 60% shall be granted for lots 120' wide or less to accommodate side yard parking). In general, side yard parking in these districts will only be permitted up to sixty (60) feet in width, regardless of lot width.



(2) CBD and NC Overlay District: 70% minimum frontage buildout

(d) **Permitted & required frontages.** Unless otherwise specified, all frontage elements must be contained within the encroachment areas described in Section 27-235. Table 27-236 below describes the permitted and required frontages for the R-4, CBD, C-1, C-3, and NC Overlay zoning districts.

(1) **R** Required: At least one of these is required along the primary frontage of the building.

(2) **CR** Conditionally Required: At least one of these may be required in combination with the Storefront, Lobby, or Terrace to provide shade.

(3) **O** Optional: These frontages are permitted, but not required.

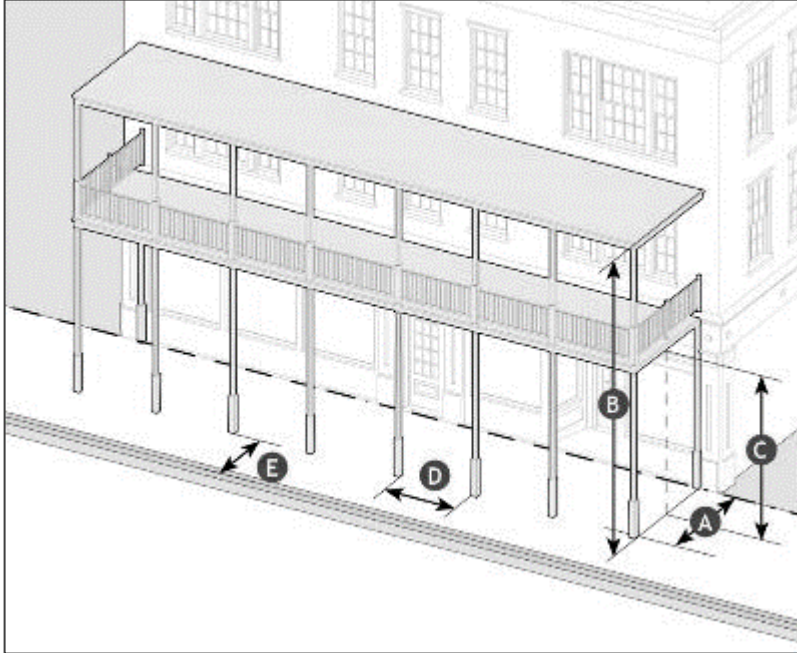
(4) **-** Prohibited: These frontages are not permitted.

**Table 27-236**

	Permitted & Required Frontage Types															
	Gallery	Arcade	Storefront	Lobby Entrance	Awning	Entry Canopy: Large	Overhead Balcony: Large	Forecourt	Terrace	Portico	Stoop	Porch: Projecting	Porch: Engaged	Porch: Integral	Overhead Balcony: Small	Entry Canopy: Small
<b>CBD: Residential</b>	I	I	I	I	I	I	I	I	I	R	R	R	R	R	O	O
<b>C-1: Commercial</b>	CR	CR	R	R	CR	CR	CR	O	O	I	I	I	I	I	I	I
<b>C-3: Commercial</b>	CR	CR	R	R	CR	CR	CR	O	O	I	I	I	I	I	I	I
<b>CBD: Commercial</b>	CR	CR	R	R	CR	CR	CR	O	O	O	O	O	O	O	O	O
<b>NC Overlay: Commercial</b>	CR	CR	R	R	CR	CR	CR	O	O	O	O	O	O	O	O	O
<b>RC Overlay: Residential</b>	I	I	I	I	I	I	I	I	I	R	R	R	R	R	O	O

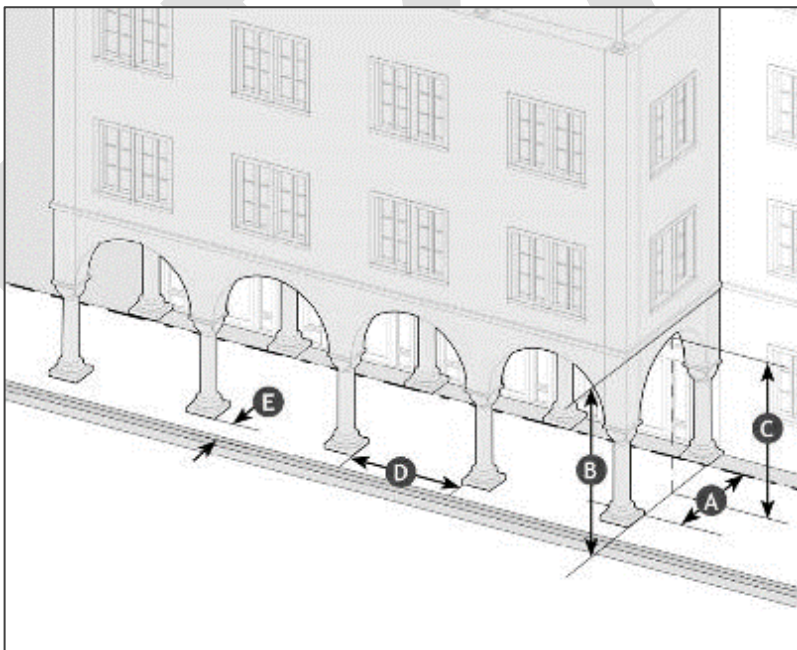
**(e) Standards.**

(1) **Gallery.** A Gallery is a one to two-story colonnaded structure attached to the front of a building that projects out over the sidewalk providing shade and protection from the elements. It is typically used for ground floor commercial frontages on buildings set close to or at the right-of-way line.



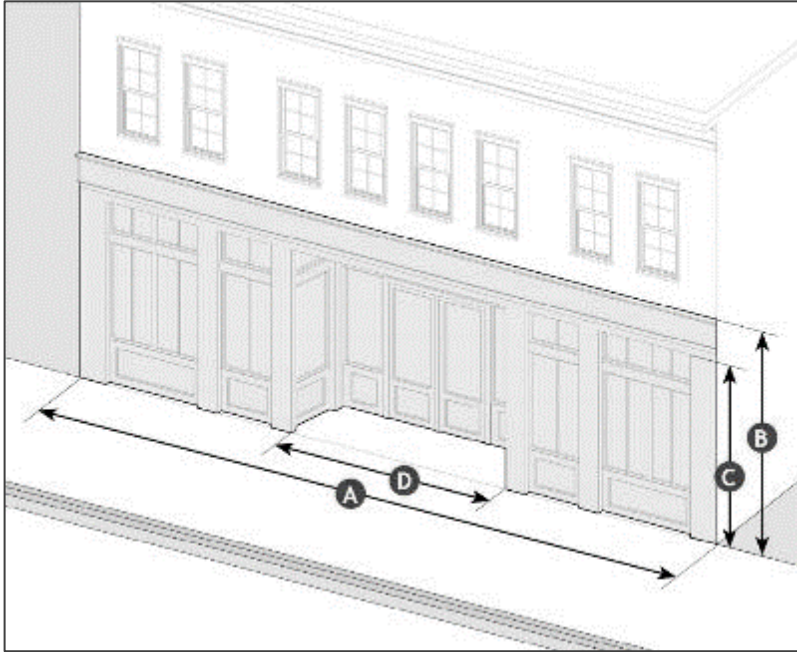
a. Standards		
<b>Dimensions</b>		
Depth	10' min.	A
Height	1-2 stories	B
Vertical Clearance	11' min.	C
Column Spacing	10' min.	D
Clearance to Street Curb	2' min.	E
<b>Additional</b>		
Must extend the full length of the building façade and must have a consistent depth		
May only be combined with Storefront Frontage Type		
May encroach beyond the right-of-way line up to 10' to cover part/all of the sidewalk. FDOT and Beaches Energy approval may be required where applicable.		

(2) **Arcade.** An Arcade is a colonnaded pedestrian walkway covered by the upper floors of a building. The ground floor façade is set back while the upper floors project out over the walkway. It is typically used for ground floor commercial or institutional frontages on buildings set close to or at the right-of-way line.



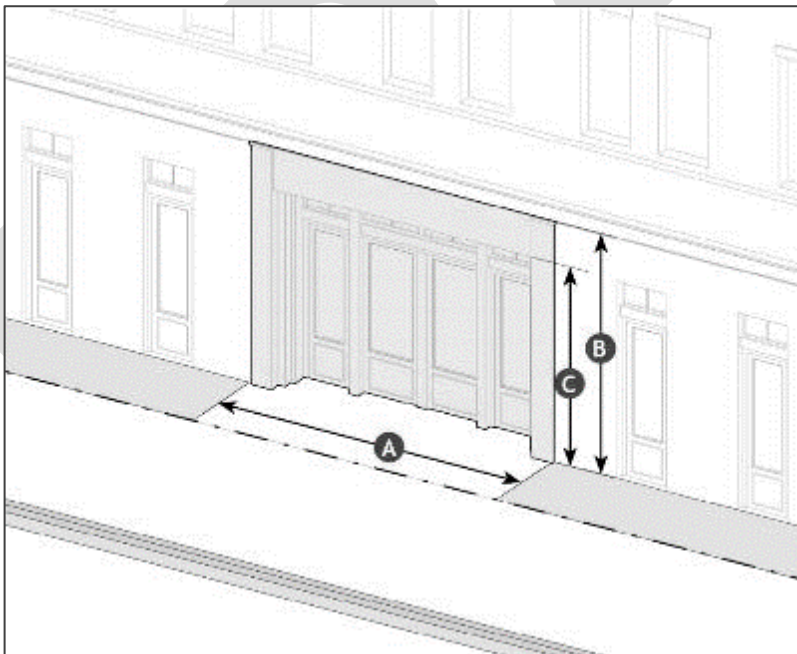
a. Standards		
<b>Dimensions</b>		
Depth	10' min.	A
Height	1 story	B
Vertical Clearance	11' min.	C
Column Spacing	10' min.	D
Clearance to Street Curb	2' min.	E
<b>Additional</b>		
Must have a consistent depth		
May encroach beyond the right-of-way line up to 10' to cover part/all of the sidewalk. FDOT and Beaches Energy approval may be required where applicable.		

(3) **Storefront.** A Storefront is an assembly of commercial entry doors and windows that provide access and light into a commercial space, as well as space to display goods, services, and signage.



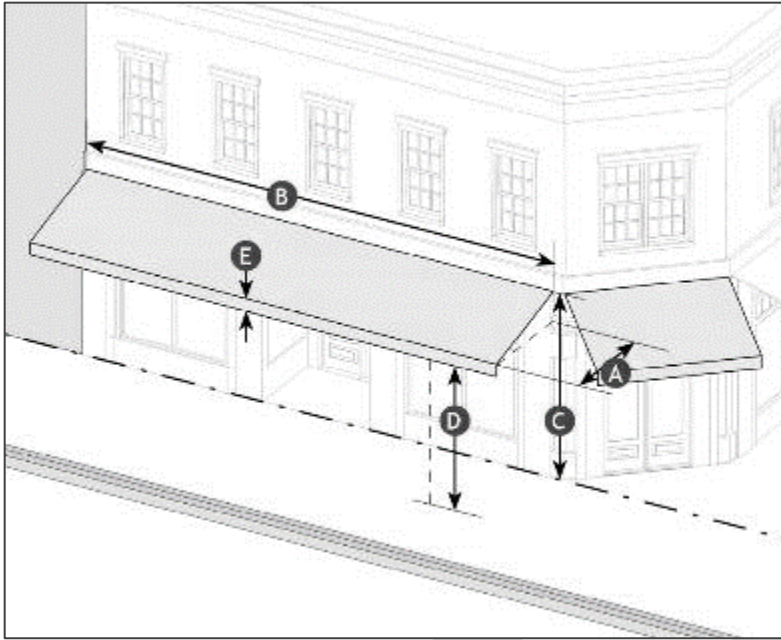
a. Standards	
<b>Dimensions</b>	
Length	15' min. <b>A</b>
Height	
Overall	18' max. <b>B</b>
Display Window	8' min. <b>C</b>
Recessed Entry Width	15' max. <b>D</b>
<b>Additional</b>	
If the sidewalk is less than 8' wide, a recessed entry at least 3' deep must be provided to accommodate the door swing	
Must provide an unobstructed view of the interior or a lighted and maintained display(s) area	
Must be combined with either a gallery, arcade, awning, entry canopy, or overhead balcony	
Exterior security grilles, gates, and roll-downs are prohibited	

(4) **Lobby Entrance.** A Lobby Entrance is an assembly of entry doors and windows providing access and light to the lobby of a building. It is appropriate for lobbies such as those found in office, civic/institutional, and multifamily residential buildings, to name a few.



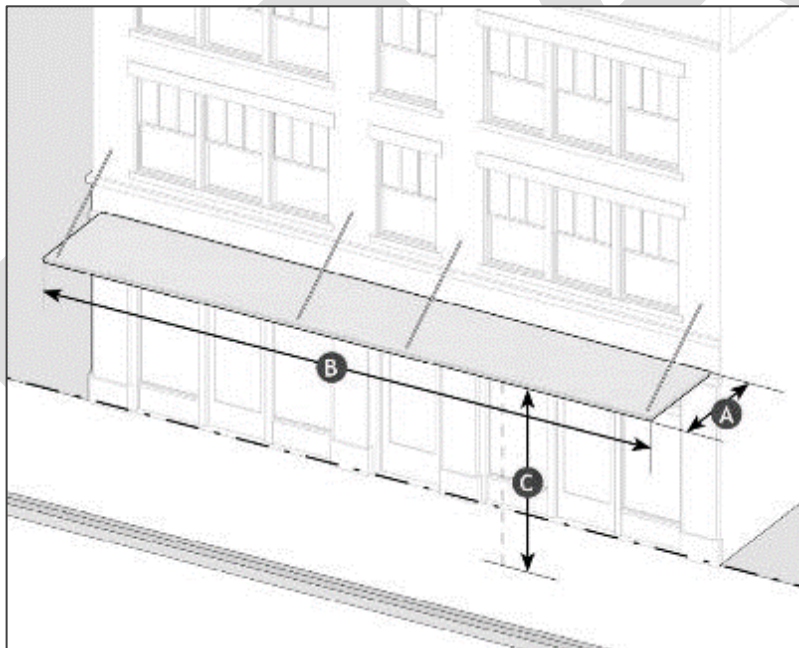
a. Standards	
<b>Dimensions</b>	
Length	15' min., 30' max. <b>A</b>
Height	
Overall	18' max. <b>B</b>
Glazing/Window	8' min. <b>C</b>
<b>Additional</b>	
If the sidewalk is less than 8' wide and there is no front setback, a recessed entry at least 3' deep must be provided to accommodate the door swing	
Must provide an unobstructed view of the interior	
Unless recessed a minimum of 3', a lobby entrance must be combined with either a gallery, arcade, awning, entry canopy, or overhead balcony	
If set back from the lot line, the frontage area must be paved	

(5) **Awning.** An Awning is a wall-mounted frame covered with fabric or other material that provides shade and protection over a storefront, lobby, or other entrance.



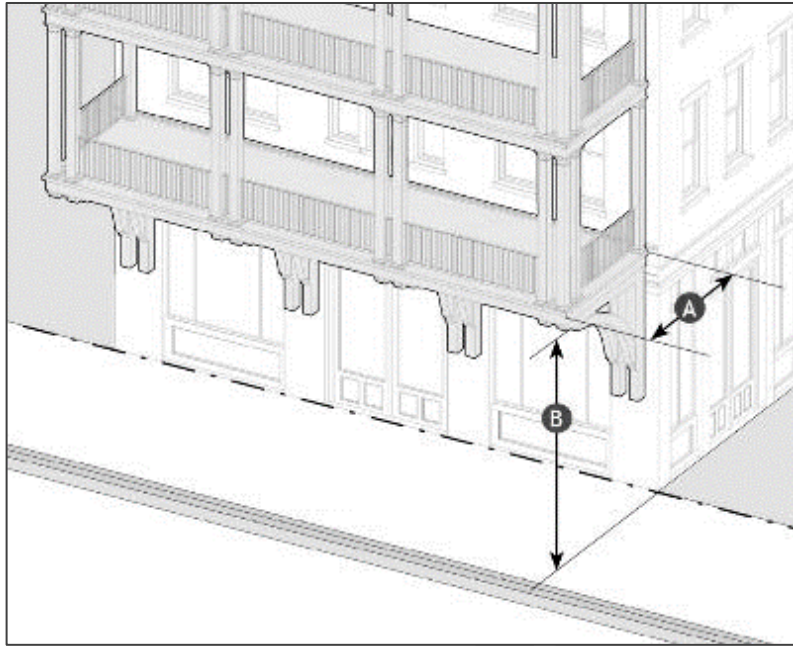
a. Standards		
<b>Dimensions</b>		
Projection	3' min.	A
Length	4' min.	B
Height	15' max.	C
Vertical Clearance	8' min.	D
Valance Height	12" max.	E
<b>Additional</b>		
Must be securely attached and must fit the full length of the door/window it is attached to		
Must be made of durable, weather-resistant material		
Internally illuminated or back-lit awnings are prohibited		
May encroach beyond the right-of-way line up to 10' to cover part or all of the public sidewalk. FDOT and Beaches Energy approval may be required where applicable.		

(6) **Entry Canopy – Large.** An Entry Canopy is a solid wall-mounted structure that provides shade and protection from the elements over a storefront, lobby, or other building entrance.



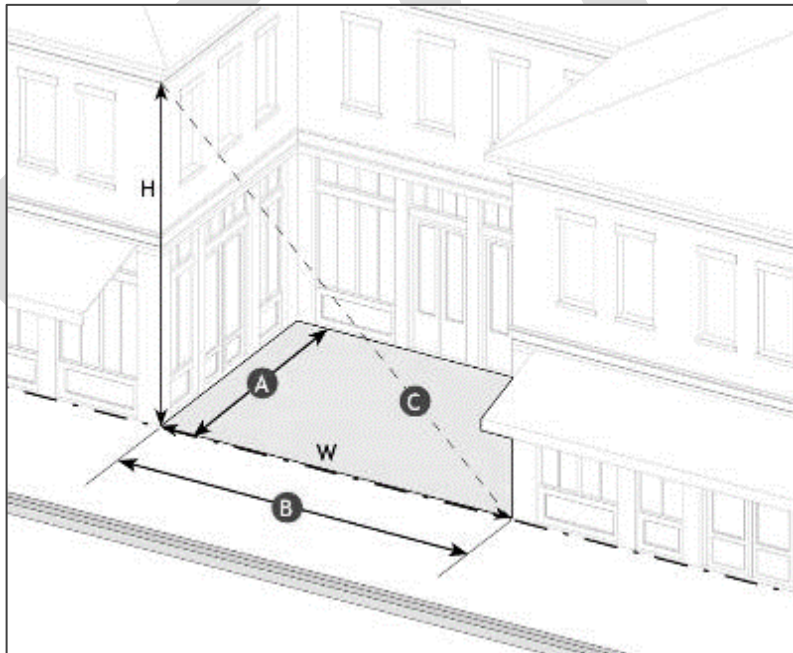
a. Standards		
<b>Dimensions</b>		
Projection	3' min.	A
Length	4' min.	B
Vertical Clearance	8' min.	C
<b>Additional</b>		
Must be securely and visibly attached to the façade with brackets, cables, or rods		
The length of the canopy must be equal to or greater than the width of the doorway and/or window surround or exterior casing it is mounted over		
May encroach beyond the right-of-way line up to 10' in to cover part or all of the public sidewalk. FDOT and Beaches Energy approval may be required where applicable.		

(7) **Overhead Balcony – Large.** An Overhead Balcony frontage is essentially a cantilevered gallery. Like the gallery, this structure projects out over the sidewalk providing shade and protection from the elements. It is typically used for ground floor commercial frontages on buildings set close to or at the right-of-way line.



a. Standards		
<b>Dimensions</b>		
Depth	6' max.	A
Vertical Clearance	8' min.	B
<b>Additional</b>		
Visible brackets or structural supports must be adequately spaced so as to be well integrated and harmonious with the windows and doors below		
May only be combined with Storefront and Lobby Frontage Type and must extend at least the full length of those frontages		
May encroach beyond the right-of-way line up to 8' to cover part/all of the sidewalk. FDOT and Beaches Energy approval may be required where applicable.		

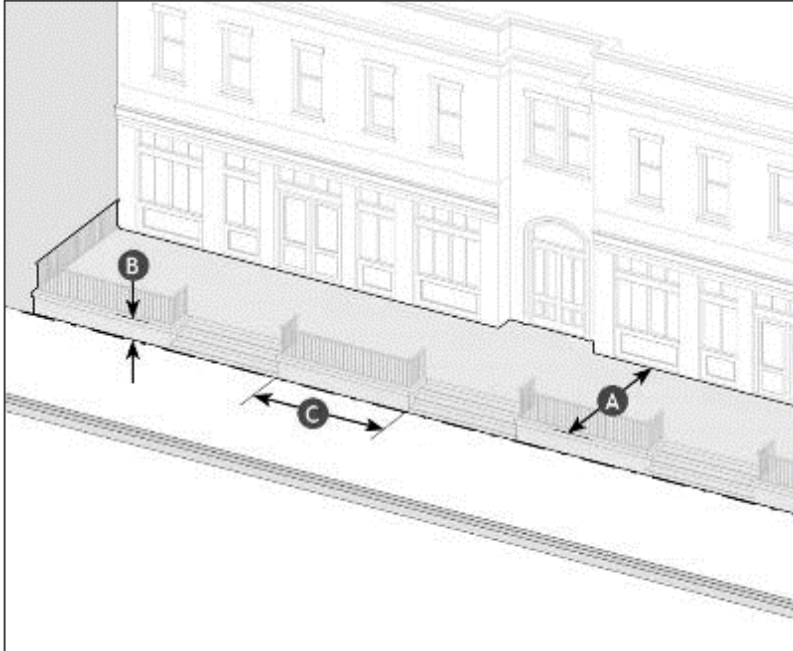
(8) **Forecourt.** A Forecourt is a frontage type wherein a portion of the building façade is on or close to the minimum setback line and the central portion of the façade is pushed back to creating a small court space. This centered court space can be used as an entry court or shared garden for multifamily residential buildings, or as an additional shopping or restaurant seating area in commercial and retail service areas.



a. Standards		
<b>Dimensions</b>		
Depth, Clear	12' min.	A
Width, Clear	12' min.	B
Ratio, Height to width	2:1 max.	C
<b>Additional</b>		
Entry into the building is required along the primary frontage parallel to the sidewalks and encouraged along each of the three frontages within the court		

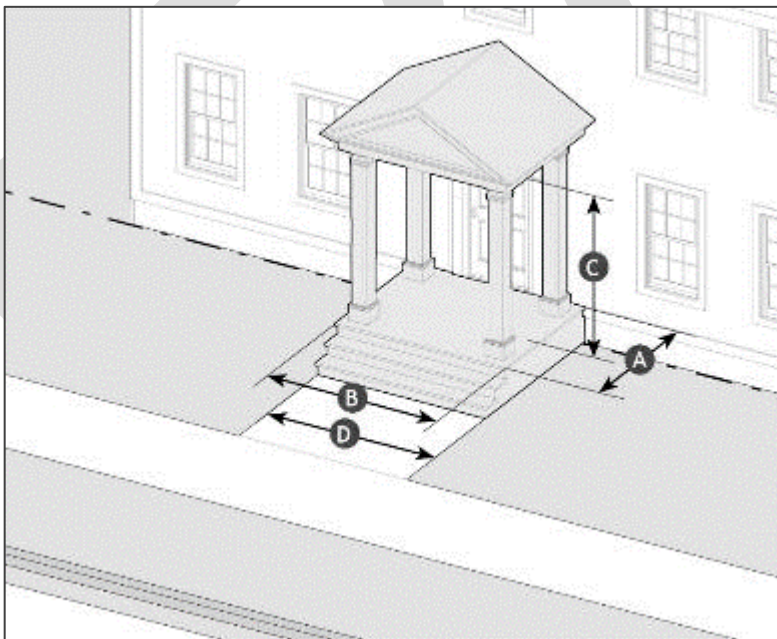


(9) **Terrace.** In a Terrace frontage the main façade of the building is at or near the minimum setback line with an elevated terrace providing public circulation between the building entrances and the public right-of-way. This type is typical along streets with slopes or grade changes, but is also a useful for mixed-use and commercial buildings that must address changing flood elevation requirements and sea level rise.



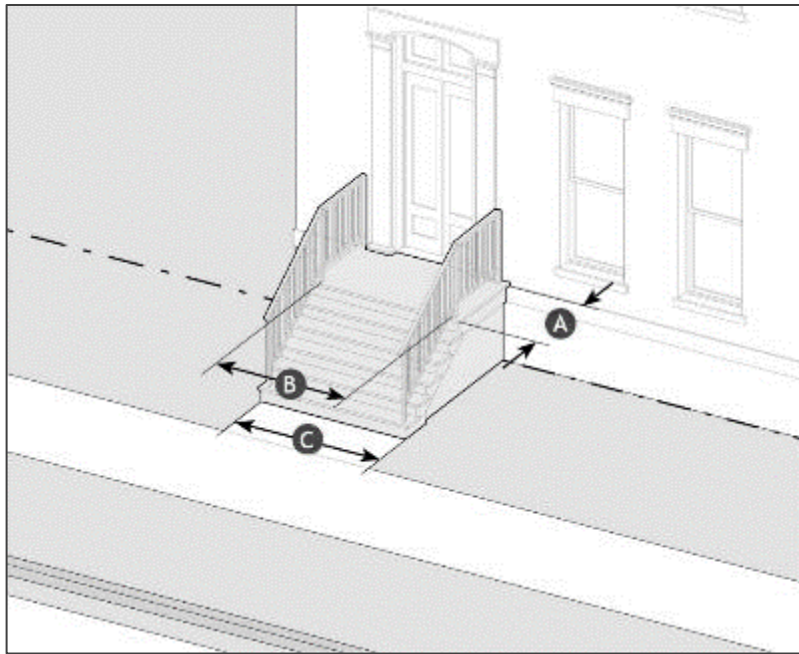
a. Standards		
<b>Dimensions</b>		
Depth, Clear	8' min.	A
Finish Level above Sidewalk	3' 6" max.	B
Distance between Stairs	50' max.	C
<b>Additional</b>		
Low walls, which can be used as seating are encouraged		
If railings are used they must allow pedestrians on the sidewalk to see through the posts and rails		
Must be implemented in conjunction with the Shopfront or Lobby frontage types and feature at least one shade element (awning, entry canopy, arcade, or similar)		

(10) **Portico.** A Portico is a small projecting porch at the entrance of a building that features a set of stairs leading to a covered landing with a roof structure supported by columns, piers, or posts. It is not meant to accommodate outdoor furniture like a porch is. Porticos are appropriate for ground floor residential frontages.



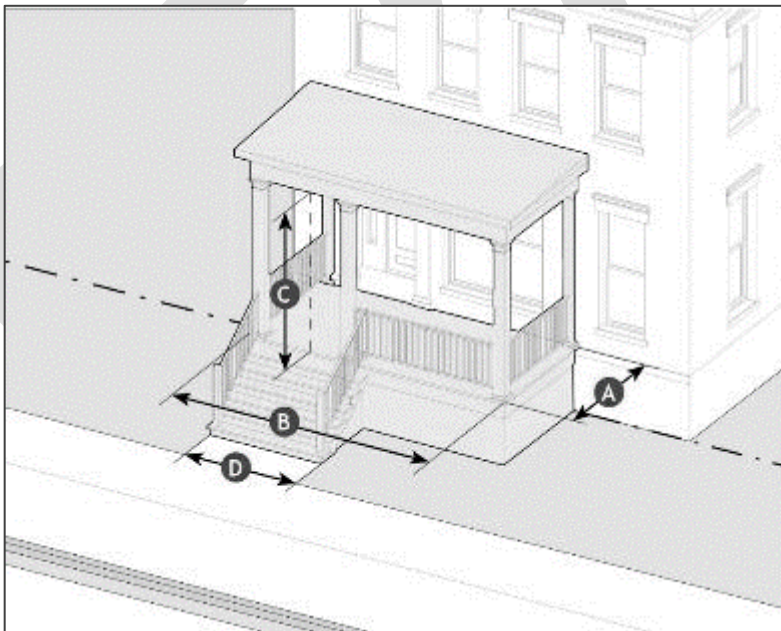
a. Standards		
<b>Dimensions</b>		
Landing Depth	4' min., 6' max.	A
Landing Width	4' min., 8' max.	B
Clear Height	8' min.	C
Path of Travel, Width	3' min.	D
<b>Additional</b>		
Stairs may be perpendicular or parallel to the building façade, but must lead directly to an abutting sidewalk		
Stairs may extend beyond the permitted encroachments and all the way to the right-of-way line if necessary		

(11) **Stoop.** A Stoop is a small projecting landing at the entrance of a buildings that features a set of stairs leading to a front door. Landings are elevated off the ground with stairs or ramps that may be front or side-loaded, though in either case leading to a paved path connected to the sidewalk. It is appropriate for ground floor residential buildings with small front setbacks.



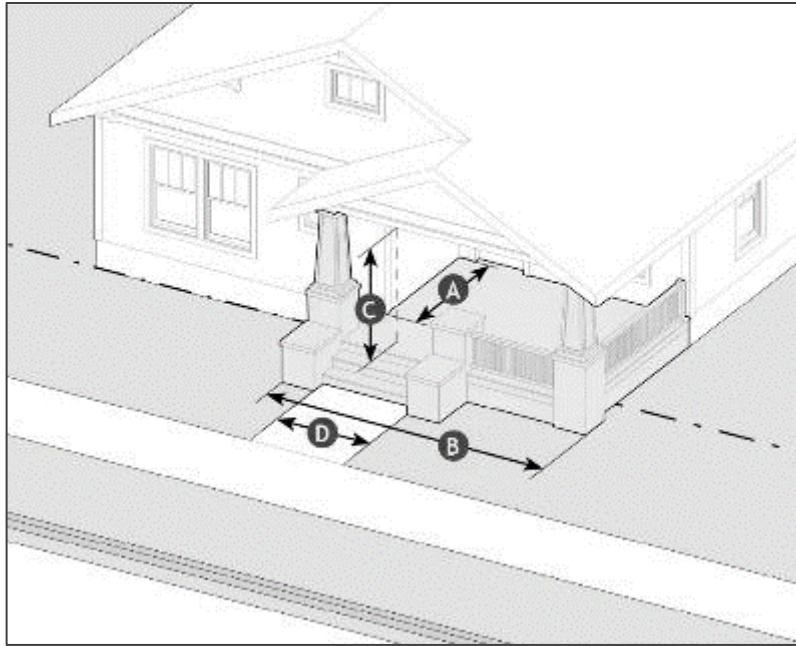
a. Standards		
<b>Dimensions</b>		
Landing Depth	4' min., 6' max.	A
Landing Width	4' min., 8' max.	B
Path of Travel, Width	3' min.	C
<b>Additional</b>		
Unless entry doors are recessed more than 3', stoops should also include an overhead balcony or entry canopy for shade		
Stairs may be perpendicular or parallel to the building façade, but must connect directly to an abutting sidewalk		
Stairs may extend all the way to the right-of-way line		
Gates are not permitted		

(12) **Porch - Projecting.** A Projecting Porch is a medium-sized structure attached to a building façade that features a set of stairs leading to a covered platform with a roof structure supported by columns, piers, or posts and enclosed by railings. It is appropriate for residential buildings with small to medium setbacks.



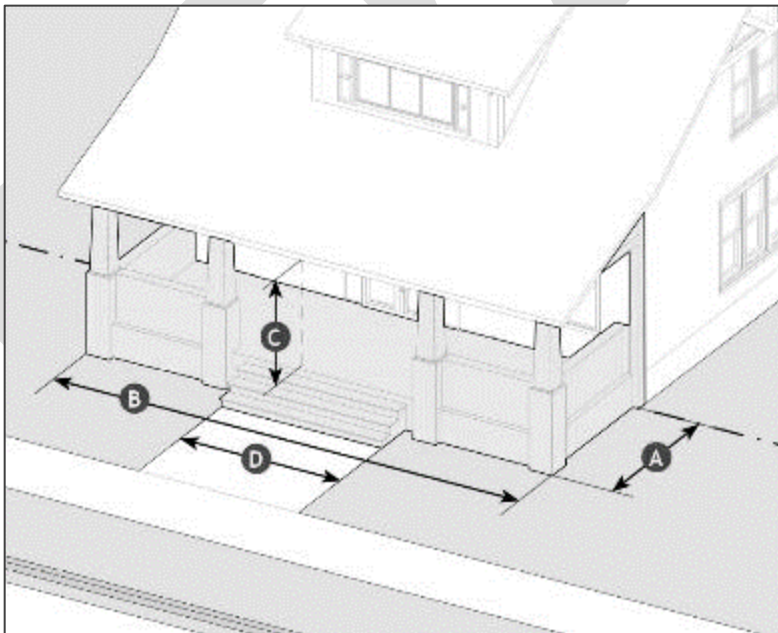
a. Standards		
<b>Dimensions</b>		
Depth, Clear	6' min.	A
Width, Clear	8' min.	B
Clear Height	8' min.	C
Path of Travel, Width	3' min.	D
<b>Additional</b>		
Must be open on three sides and have a roof		
Must have a minimum 4' x 6' clear floor area for furniture		
Porch railings must allow pedestrians to see through the posts and rails		
Stairs may extend beyond the permitted encroachment area, provided they do not enter the public right-of-way		
Porches may be screened but cannot be permanently enclosed		

**(13) Porch - Engaged.** An Engaged Porch is a medium-sized structure attached to a building on two sides that features a set of stairs leading to a covered platform with a roof structure supported by columns, piers, or posts and enclosed by railings. It is appropriate for residential buildings with small to medium setbacks.



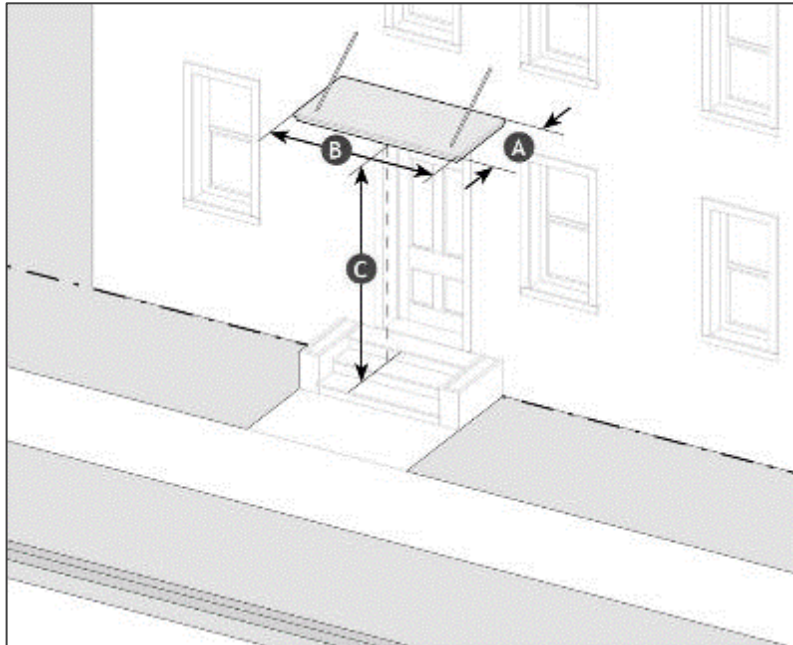
a. Standards	
<b>Dimensions</b>	
Depth, Clear	6' min. (A)
Width, Clear	8' min. (B)
Clear Height	8' min. (C)
Path of Travel, Width	3' min. (D)
<b>Additional</b>	
Must be open on two sides	
Must have a minimum 4' x 6' clear floor area for furniture	
Porch railings must allow pedestrians to see through the posts and rails	
Stairs may extend beyond the permitted encroachment area, provided they do not enter the public right-of-way	
Porches may be screened but cannot be permanently enclosed	

**(14) Porch - Integral.** An Integral Porch is a medium-sized outdoor space that features a set of stairs leading to a covered platform enclosed by railings or a low wall. Unlike projecting porches, the floor and roof are set within the main structure instead of being attached to it. It is appropriate for buildings with small to medium setbacks.



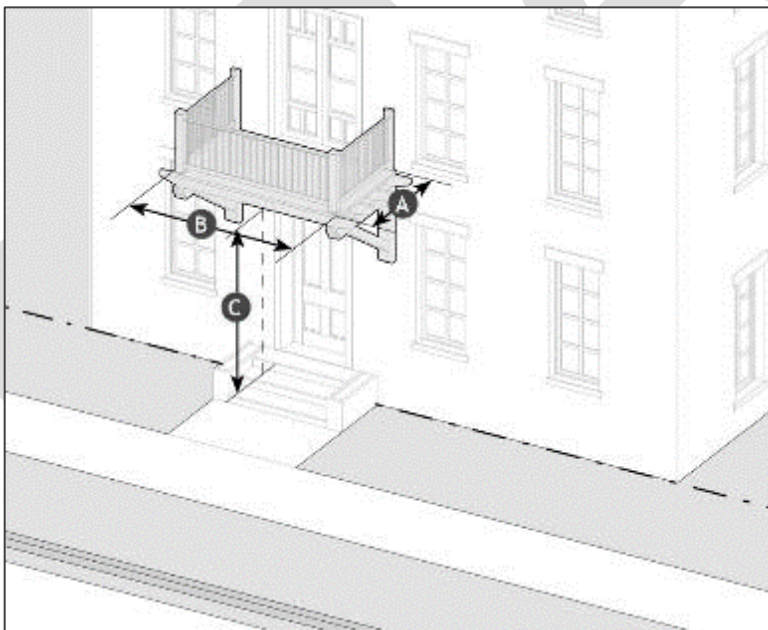
a. Standards	
<b>Dimensions</b>	
Depth, Clear	6' min. (A)
Width, Clear	Width of façade (B)
Clear Height	8' min. (C)
Path of Travel, Width	3' min. (D)
<b>Additional</b>	
Must be open on three sides	
Must have a minimum 4' x 6' clear floor area for furniture	
Porch railings must allow pedestrians to see through the posts and rails, though a low wall up to 2.5' in height can be used	
Stairs may extend beyond the permitted encroachment area, provided they do not enter the public right-of-way	
Porches may be screened but cannot be permanently enclosed	

**(15) Entry Canopy - Small.** An Entry Canopy is a solid wall-mounted structure that provides shade and protection from the elements over a ground floor residential entryway. It is appropriate for residential buildings with small to medium setbacks.



a. Standards		
<b>Dimensions</b>		
Projection	2' min., 4' max.	A
Length	3' 6" min.	B
Vertical Clearance	7' min.	C
<b>Additional</b>		
Must be securely and visibly attached to the façade with brackets, cables, or rods		
Length of canopy must be equal to or greater than the width of the doorway surround, trim, or exterior casing		
Should be implemented in conjunction with the Stoop frontage type		

**(16) Overhead Balcony - Small.** A small Overhead Balcony frontage is an attached second story balcony centered over a front entry way that provides shade and protection from the elements. It is typically used for ground floor residential frontages on buildings with small front setbacks.



a. Standards		
<b>Dimensions</b>		
Depth	2' min., 4' max.	A
Width	3' 6" max.	B
Vertical Clearance	8' min.	C
<b>Additional</b>		
Width of balcony must be equal to or greater than the width of the doorway surround, trim, or exterior casing		
Should be implemented in conjunction with the Stoop frontage type		

## Sec. 27-237. - Building area requirements.

Principal buildings shall have at least the minimum not exceed the maximum floor areas, exclusive of porches, attached garages, carports and breezeways, as provided for below:

- (1) **R-1 district:** Not applicable. One thousand five hundred (1,500) square feet of gross floor area for a one-story building. One thousand (1,000) square feet of gross floor area for a two-story building with a total floor area of not less than one thousand seven hundred (1,700) square feet. Breezeways are limited to fifteen (15) feet in length from the vertical exterior wall of the principal structure to the vertical exterior wall of an accessory structure.
- (2) **R-2 district:** Not applicable. One thousand two hundred (1,200) square feet of gross floor area for a one-story building. Eight hundred (800) square feet of gross floor area for a two-story building with a total floor area of not less than one thousand two hundred (1,200) square feet. Breezeways are limited to fifteen (15) feet in length from the vertical exterior wall of the principal structure to the vertical exterior wall of an accessory structure.
- (3) **R-3 district:** Not applicable. Eleven hundred (1,100) square feet of gross floor area for a one-story building. Eight hundred (800) square feet of gross floor area for a two-story building with a total floor area of not less than one thousand two hundred (1,200) square feet. Breezeways are limited to fifteen (15) feet in length from the vertical exterior wall of the principal structure to the vertical exterior wall of an accessory structure.
- (4) **R-4 district:** Not applicable. Eight hundred (800) square feet of gross floor area per each dwelling unit (including standard duplex units). Breezeways are limited to fifteen (15) feet in length from the vertical exterior wall of the principal structure to the vertical exterior wall of an accessory structure.

Additionally, principal buildings in this district, including accessory buildings, are limited to a maximum floor area ratio (FAR) of sixty five (65) percent of the total lot area. The FAR is calculated by dividing the gross floor area by the total lot area. (refer to Figure 27-222-1 [at the end of article IV]). Attached porches, balconies, or similar structures also may be allowed in addition to the maximum FAR ratio; provided, however, they are limited to a total of four (4) percent lot coverage, a minimum of six (6) feet deep, and a maximum of two hundred fifty (250) square feet in size.

- (5) **R-5 district:** Not applicable. One thousand one hundred (1,100) square feet of gross floor area per dwelling unit.
- (6) **C-1 district:** Not applicable. In order to promote a more human-scaled environment along the 3<sup>rd</sup> Street Corridor, no retail store, wholesale warehouse, nor any freestanding building for any permitted use shall exceed thirty thousand (30,000) square feet in total gross floor area, as defined in section 27-15 of this Code. Shopping centers may be constructed so long as no single unit within such center exceeds this thirty (30,000) square foot limit. Furthermore, any retail stores, wholesale warehouses, or other freestanding buildings for any permitted use located within one thousand (1,000) linear feet of each other that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate.
- (7) **C-2 district:** Not applicable. No retail store, wholesale warehouse, nor any freestanding building for any permitted use shall exceed sixty thousand (60,000) square feet in total gross floor area, as defined in section 27-15 of this Code. Shopping centers may be constructed so long as no single unit within such center exceeds this sixty thousand (60,000) square foot limit. Furthermore, any retail stores, wholesale warehouses, or other freestanding buildings for any permitted use located within one thousand (1,000) linear feet of each other that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate.

- (8) **C-3 district:** Not applicable. No retail store, wholesale warehouse, nor any freestanding building for any permitted use shall exceed sixty thousand (60,000) square feet in total gross floor area, as defined in section 27-15 of this Code. Shopping centers may be constructed so long as no single unit within such center exceeds this sixty thousand (60,000) square foot limit. Furthermore, any retail stores, wholesale warehouses, or other freestanding buildings for any permitted use located within one thousand (1,000) linear feet of each other that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate.
- (9) **CBD district:** Not applicable. In order to preserve the small scale and quaint commercial character of the Central Business District, which also seeks to provide spaces for small local businesses, no freestanding building in the CBD shall exceed a gross floor area of twenty-five thousand (25,000) square feet.
- (10) **NC overlay:** In order to better match the surrounding residential character, no freestanding commercial building in the Neighborhood Commercial Overlay shall exceed a gross floor area of twenty thousand (20,000) square feet.
- (11) **RC overlay:** Not applicable.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2013-03, § 1, 4-2-12; Ord. No. [2015-14](#), § 2, 10-5-15)

### Sec. 27-238. - Maximum lot coverage.

- (a) The impervious surface on any lot, or parcel of land, shall not exceed the maximum area as provided for below, and for purposes of calculation, shall include all impervious areas, such as pool areas, hot tubs, and driveways: "gross site area" is defined in article : [SEE NEW DEFINITION IS IN ART. I]
- (1) **R-1 district:** Fifty (50) percent of gross site area.
  - (2) **R-2 district:** Fifty (50) percent of gross site area.
  - (3) **R-3 district:** Fifty (50) percent of gross site area.
  - (4) **R-4 district:** Fifty (50) percent of gross site area.
  - (5) **R-5 district:** For apartment complexes, thirty-five (35) percent of gross site area. For single-family dwellings, fifty (50) percent of gross site area. For multifamily residences on lots less than one-half acre, seventy (70) percent of gross site area.
  - (6) **C-1 district:** ~~Eighty (80)~~ Sixty (60) percent of gross site area unless otherwise specified in the Table 27-239-4.
  - (7) **C-2 district:** Seventy (70) percent of gross site area unless otherwise specified in the Table 27-239-4.
  - (8) **C-3 district:** Seventy-five (75) percent of gross site area unless otherwise specified in the Table 27-239-4.
  - (9) **CBD district:** Eighty-five (85) percent of gross site area.
  - (10) **Conservation district:** Twenty-five (25) percent of gross site area.
  - (12) **NC overlay:** Seventy (70) percent of gross site area.
  - (13) **RC overlay:** Fifty (50) percent of gross site area.
- (b) Pervious pavements, as defined in section 27-516, shall not count towards impervious surface areas. Semi-pervious pavers and surfaces that do not meet the standards defined in section 27-516 for pervious pavement, pavers, and engineered water detention systems, and other low-impact design strategies are encouraged in all zoning districts and shall be credited with a percentage of the covered area, as determined by the building official or licensed professional engineer, using area

and volume calculations. The techniques or systems used for a credited area must be installed for long-term effect.

If the applicant desires to increase the impervious area beyond the percent coverage prescribed in this section, drainage runoff calculations shall be provided that indicate no increase in runoff between the pre-construction and post-construction condition. This calculation shall be prepared, signed, and sealed by a licensed professional engineer, registered in the State of Florida.

- (c) Additionally, all stormwater management requirements of the St. Johns River Water Management District shall be met.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2006-13, § 3, 7-10-06)

### Sec. 27-239. - Building height limitations.

(a) **Height limitations.** The height of buildings and principal structures, as defined in section 27-15 shall not exceed the building height limitations as provided for in Table 27-239-1 located at the end of article.

(b) **Exceptions.** The following exceptions apply to these features are exempt from the height limitations:

- (1) Church steeples, chimneys, and similar structures not intended as places of occupancy or storage may exceed the height limits;
- (2) Flag poles, water towers and similar devices not intended for human occupancy may exceed the height limits;
- (3) Heating and air conditioning equipment, solar collectors, satellite dishes or antenna, elevator shafts, parking and similar equipment, fixtures, and devices that are not intended for human occupancy may exceed the height limits, provided that:
  - a. They are set back from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building at the place where to which they are attached, and they extend less than five (5) additional feet in height; and
  - b. No more than one-third of the total roof area may be occupied by such features;
- (4) e. Parapet walls are may be constructed on all sides of the buildings with low-slope roofs up to five (5) feet above the adjoining roof surface, a height not to exceed the height of such features;  
d. No equipment or parapet shall exceed five (5) feet in height above the main roof structure.
- (45) Damaged buildings over thirty-five (35) feet may be rebuilt to their original height.

(c) **Points of reference for measurement.**

- (1) The upper point of reference for determining the height of a building or structure shall be the average of the highest and the lowest point on the roof, not including any of the exceptions in subsection (b).
- (2) The lower point of reference for determining the height of a building or structure shall be 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 of the lot (prior to addition of fill material).
- (3) However, the lower point of reference for determining the height of a commercial or residential building or structure in a flood zone affected by the coastal construction control line will be the minimum base flood elevation required for habitable space as set by FEMA's Flood Insurance Rate Maps (FIRMs) and required by the Florida Administrative Code State of Florida.

(d) **Charter provisions on building height.** These building height limitations are consistent with the building height limitations set by referendum, which can be found in Section 4.07 of the Charter of the City of Neptune Beach.

(Ord. No. 2004-10, § 1, 10-4-04)

**Table 27-239**

	R-1	R-2	R-3	R-4 <sup>1</sup>	R-5 <sup>2</sup>	C-1	C-2	C-3	CBD <sup>2</sup>	NC Overlay	RC Overlay
	Single-Family Residential			Single/Two-Family Res.	Multi-Family	Commercial				Single/Two-Family Res.	
<b>Building Height</b>											
Max. Height <sup>3</sup>	28'	28'	28'	28'	28'	35'	35'	35'	35'	35'	28'
Max. Stories	2	2	2	2	2	3	3	3	3	3	2
<b>Density</b> (dwelling units divided by gross site area in acres - du/a)											
Max. Density (du/a)	5	5	5	10	17	-	-	-	10	10	10
<b>Setbacks</b>											
Front Yard <sup>4</sup>	25' min.	20' min.	15' min.	Flexible <sup>5</sup>	30' min.	10' min. 25' max. 25' min.	25' min.	15' min. 30' max. 25' min.	0' min. <sup>6</sup> 10' max.	5' min. 15' max.	10' min. 25' max.
Rear Yard	30' min.	25' min.	25' min.	Flexible <sup>5</sup>	30' min.	10' min.	15' min.	20' min.	5' min.	10' min.	15' min.
Side Yard (Internal)	10' min.	10% of lot width (7' min.)	10% of lot width (7' min.)	7' min. <sup>7</sup>	25' min.	5' min. 10' min.	15' min.	5' min. 20' min.	0' min. 5' min.	0' min.	5' min. <sup>7</sup>
Side Yard (Street)	15' min.	10' min.	10' min.	8' min.	25' min.	10' min. 25' max. 15' min.	20' min.	10' min. 25' max. 25' min.	5' min. 15' max. 7' min.	10' min. 25' max.	8' min. 25' max.
<b>Frontage Buildout</b>											
Primary Street	100%	100%	100%	100%	100%	70% min. <sup>8</sup>			70% min.	70% min.	100%
<b>Lot Dimensions/Size</b>											
Min. Lot Area (SF.) <sup>9</sup>	12,000	10,000	5,000	4,365	-	7,500	10,000	15,000	-	7,500	4,365 <sup>10</sup>
Max. Lot Area (SF) <sup>9</sup>	-	-	-	15,000	-	-	-	-	-	-	15,000
Min. Lot Width (FT)	100'	85'	50'	40'	200'	60'	80'	100'	-	50'	40' <sup>11</sup>
Max. Lot Coverage	50%	50%	50%	50%	35%	60 80%	70%	75%	85%	70%	60%
<b>Additional</b>											
Max. Building Floor Area (sq. ft.) <sup>12</sup>	-	-	-	-	-	30,000 60,000	60,000	60,000	25,000	20,000	-
<sup>1</sup> The minimum R-4 lot dimensions in this table are superseded by the actual dimensions of smaller lots if those lots were lawfully platted and recorded prior to January 1, 1991, in the Office of the Clerk of the Circuit Court of Duval County, Florida. <sup>2</sup> Any single/two-family homes in the R-5 district and CBD shall comply with the development standards for the RC overlay. <sup>3</sup> For lots in the R-1 zoning district that have a minimum lot size of twelve thousand (12,000) square feet and one hundred (100) feet lot width as measured at the building line parallel to the front face of the house and perpendicular to the primary side yard, thirty-five (35) feet of maximum building height will be permitted, so long as the primary roof structure is built at a minimum five-twelfths roof pitch, and not to exceed two (2) stories of living area. <sup>4</sup> More specific front yard setbacks shall apply in locating new structures around the following road segments: <u>Penman Road, Seagate Avenue, and Florida Boulevard</u> (See subsection 27-231(b).) <sup>5</sup> The front and rear yard setbacks may be flexible in that both measurements must total thirty-five (35) feet; however, neither can measure less than the fifteen (15) feet. <sup>6</sup> New development built to the front lot line will need to be cleared by public works first to ensure there are no infrastructure conflicts. <sup>7</sup> Duplexes comprised of two attached homes shall be exempt from the interior side setback where the units meet. <sup>8</sup> Lots less than 120' wide may have a reduced minimum frontage buildout of 60% in order to accommodate side yard parking. <sup>9</sup> Single/two-family on a single parcel of less than one-third of an acre or up to one-half acre with less than nine thousand (9,000) square feet of impervious or semi-impervious area must comply with the stormwater requirements in section 27-519. <sup>10</sup> Min. lot area for duplexes shall be 5,000 square feet, or 2,500 square feet for each unit if divided into two fee simple lots. <sup>11</sup> Min. lot width for duplexes that have been divided into two fee simple lots shall be 20' each. <sup>12</sup> No standalone building shall exceed the maximum floor area shown. Additional information can be found in Section 27-237.											



**Sec. 27-240. - Building elevation.**

- (a) The building elevation (the height of the ground or first floor of a building above the crown of the road in front of the building) shall not be less than:
  - (1) Twelve (12) inches in residential districts; and
  - (2) Twelve (12) inches in the commercial districts.
- (b) However, the minimum building elevation may be higher in flood zones and on land affected by the coastal construction control line; see section 27-519 and chapter 30.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-241. - Buffer areas adjacent to residential districts.**

When a R-5, C-1, C-2, C-3 or CBD district abuts a R-1, R-2, R-3 or R-4 district without an intervening street or alley, a landscape buffer constructed in accordance with section 27-459 of this Code, shall be provided on the R-5, C-1, C-2, C-3 or CBD parcel.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-242. - Density calculations.**

- (a) Residential uses must comply with density restrictions imposed by the adopted future land use map.
- (b) In certain cases, these density restrictions have effects on residential uses beyond the minimum lot areas in Table 27-239. In these cases, density will be calculated as follows:
  - (1) Density means the ratio of the number of dwelling units to the gross site area of the lands on which such dwelling units are located.
    - a. For new development and significant redevelopment (50% or more of any structure on the property), gross site area means the entire site area, including land that will become streets and open spaces, but excluding any existing public right-of-way and excluding any wetlands.
    - b. For buildings on lots that have already been subdivided and streets have already been created, gross area means the entire lot area plus one-half the width of the adjoining public right-of-way.
  - (2) Density is computed by whole number only. If a density computation results in fractional units, the computation will be rounded down to the next whole number.

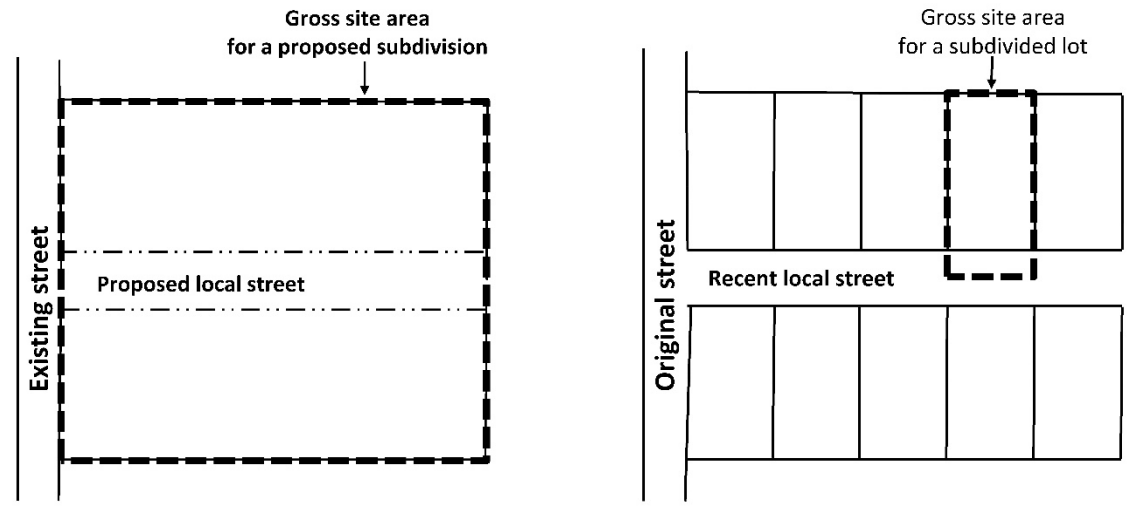


Figure 27-242-1

- (c) **Accessory apartments.** See section 27-340 regarding density for accessory apartments in all residential zoning districts.
- (d) **R-3 zoning district.** These density calculations apply to new development on R-3 lots that have been consolidated from the original plats. An owner of a lot whose size is consistent with the original plats may construct, reconstruct, or replace one single-family residence on that lot; lots averaged 50 feet wide and 110 feet deep in the original plats for Merimar (1923) and Jacksonville Beach Park (1925).
- (e) **R-4 zoning district.** These density calculations do not apply to individual lots in R-4 that were lawfully platted and recorded prior to January 1, 1991, in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- (f) **R-5 zoning district.** These density calculations apply when multi-family residences are constructed on parcels that are not subdivided into one lot for each residence.
- (g) **RC overlay.** These density calculations apply to new development on R-4 lots in the RC overlay that have been consolidated from the original plats.
  - a. Existing two-family (duplex) residences on lots 5,000 square feet or greater shall be deemed conforming as to density provided they comply with impervious surface reductions and other retrofit requirements set forth in section 27-243 or they are reconstructed or replaced with a new duplex that meets all requirement in this code other than minimum lot size and density.
  - b. Existing two-family (duplex) residences on lots less than 5,000 square feet may not be physically expanded in any manner that would increase the nonconformity or violate any additional physical standards in this code. Physical expansion includes the creation of off-street parking areas.

**Sec. 27-243. – Special requirements in the RC overlay.**

The standards in this section apply to land in the Residential Conservation (RC) overlay to acknowledge its historic development pattern and to ensure that renovated and new residential buildings in this overlay will support safe pedestrian, transit, bicycle, and vehicular circulation and allow for infill development that is sensitive to the character and history of the surrounding neighborhood.

- (a) **Residential Frontage Standards.** New single-family and duplex homes shall comply with the required frontage types and associated standards detailed in Section 27-236.
- (b) **Residential Building Design Standards.**
  - (1) **Building materials and details.** Building wall materials shall be combined on each facade only horizontally, unless the building is broken vertically by a change of plane, or a vertical architectural element. Heavier materials, such as masonry and stucco, shall be located below lighter materials, such as cement fiber or wood siding (Figure 27-243-1).
    - a. Changes in material or color along the vertical direction should occur at hard-edge “bump-out” transitions, which gives materials a surface to terminate into (Figure 27-243-1).
    - b. Facades with an overabundance of different materials or colors are discouraged.



Figure 27-24-31: Residential building material and details

**(2) Architectural elements.**

**a. Front porches & entry areas.**

- i. New front porches added to an existing structure should be appropriate for the architectural style or neighborhood context.
- ii. Porches may be screened but cannot be permanently enclosed if they are to benefit from any permitted yard encroachments per Section 27-235 (Figure 27-243-2). If a porch is to be permanently enclosed it will be considered a part of the building façade and will be subject to all front, side, and rear yard setback requirements.



Figure 27-243-2: Front porch standard

**b. Balconies and Railings**

- i. Brackets typically extend the full depth of the balcony. The thickness and number of brackets should reflect the scale and design of the balcony being supported.
- ii. Balconies shall project at least two (2) feet to create a standing or “Juliet” balcony, and no more than six (6) feet from the building wall.
- iii. Balconies shall be deeper than six (6) feet only if it is partially or wholly inset within the main body of the building.
- iv. Balconies shall be visually supported from below, if projecting more than two (2) feet, by brackets or another structurally implicit mechanism, which must extend a minimum of 85% of the depth of the balcony, or else be supported by adjacent side walls

(Figure 27-243-3). Exceptions may apply for the Mid-Century Modern and Masonry Modern architectural styles.

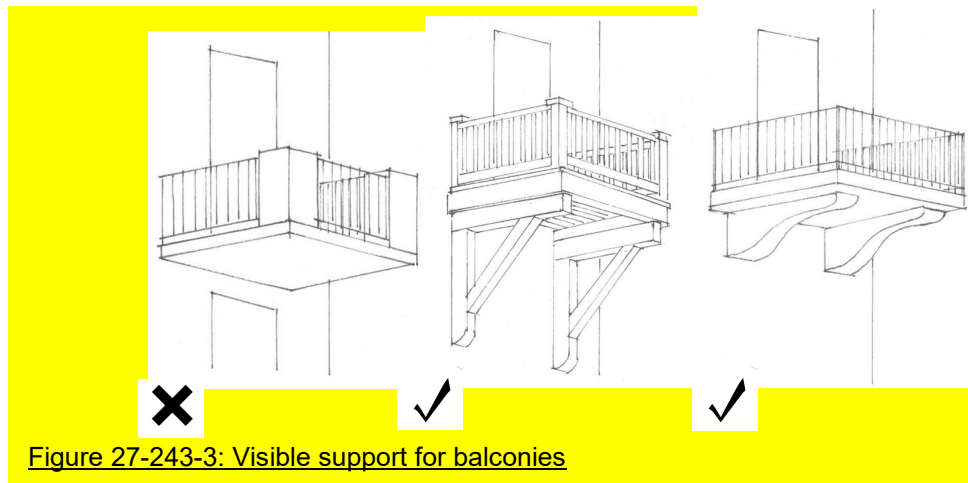


Figure 27-243-3: Visible support for balconies

- v. Balconies shall have a minimum underside clearance of nine (9) feet.
- vi. Decorative railings should be used on building facades when they serve a function such as on an occupiable balcony, enclosing planting areas, or as a safety measure for large windows in upper stories. Like typical balcony railings, they must be designed to support ladders for emergency egress. Grills should be applied to facades without serving a true function (left). (Figure 27-243-4)



Figure 27-243-4: Decorative Railings

- c. Columns, pillars, and posts.
  - i. Shall be spaced at regular intervals not exceeding 24 feet from centerline to centerline, creating openings with a height to width or width to height ratio of 1:1, 2:1, or 2:3.
  - ii. Always support a structural spanning element, such as a beam, arch, or entablature and shall always be positioned so that the outside edge of the beam, arch, or entablature spanning element above aligns with the neck of the column.

d.e. Bay Windows.

- i. Shall provide habitable interior space and include at least three (3) windows.
- ii. Shall not project more than three (3) feet from the building façade, nor exceed 16 feet in width.
- iii. Shall fit in with the overall character and architectural style of the building.
- iv. Are limited to front and rear yards, side yards are excluded

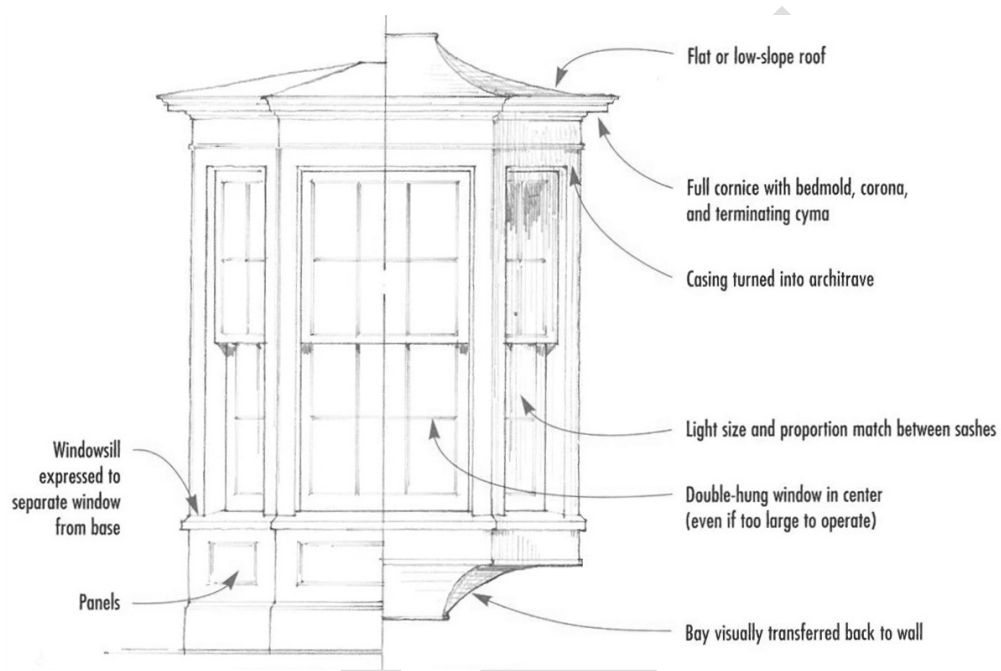
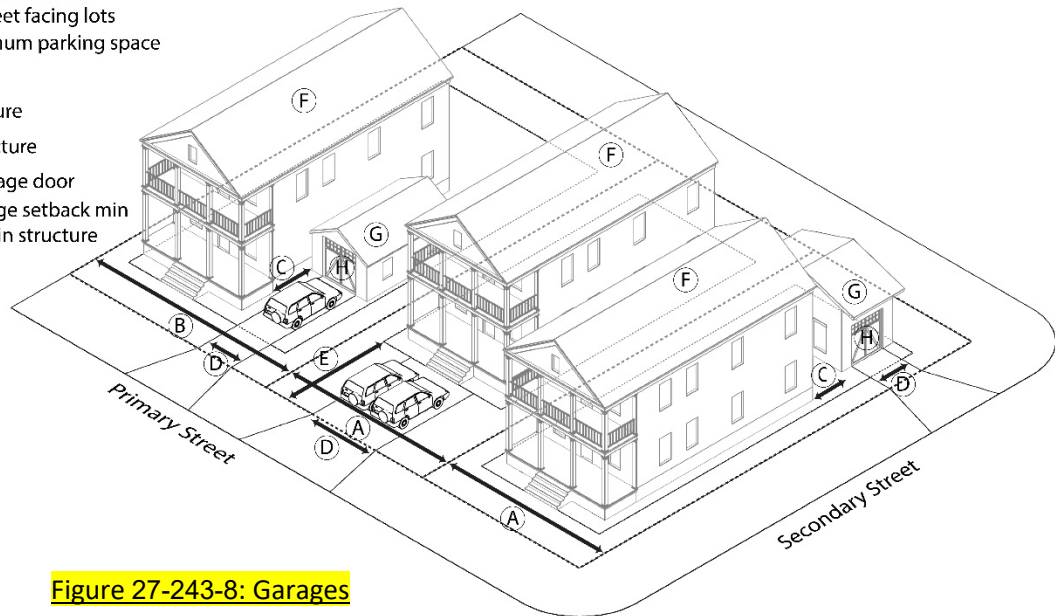


Figure 27-243-7: Bay Windows. Source: Marianne Cusato, *Get Your House Right* (Canada: Sterling, 2007).

**e.f. Garages & Parking.**

- i. To ensure that they do not dominate the street-facing building facades or overshadow pedestrian entryways, attached and detached garages shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color (Figure 27-243-8).
- ii. Attached garages should be set back a minimum of ten (10) feet behind the primary building façade facing the street and sidewalk (Figure 27-243-8, label C).
- iii. Detached garages should be located behind the primary building in the rear yard (Figure 27-243-8, label G).
- iv. Garages shall be architecturally like the residence (Figure 27-243-8). The openings of the garage shall be designed in a manner that obscures parked vehicles.
- v. At no time shall the width of an attached garage exceed 40% of the total of any street-facing building façade.

- (A) 40' lot
- (B) 50'+ lot
- (C) attached garage setback min 10' behind main structure on primary street facing lots
- (D) 16' wide maximum parking space
- (E) 25' maximum
- (F) primary structure
- (G) accessory structure
- (H) decorative garage door
- (I) detached garage setback min 10' behind main structure



**Figure 27-243-8: Garages**

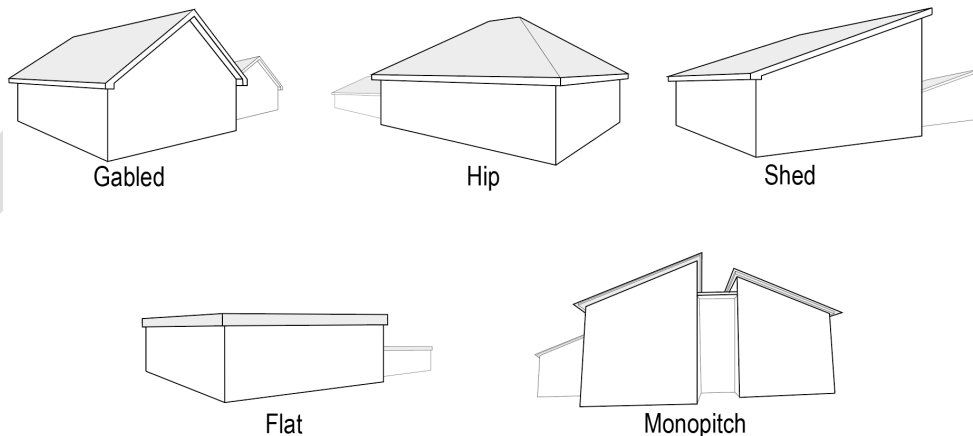
vi. No more than two garage doors shall be visible from the street, and they shall not exceed a maximum width of 9' each, though exceptions for garaged meant to accommodate RVs and boat trailers may be allowed up to a width of 12'.

vii. The combined width of all driveways in the front yard setback may not exceed 30% of the width of the lot or 16 feet, whichever is larger. For corner lots, the combined width of all driveways in the street-facing side yard setback may not exceed 25% of the depth of the lot or 20 feet, whichever is greater.

**f. g. Roof Type and Pitch**

i. Permitted roof forms for primary and accessory structures include gabled, hipped, shed, flat, and mono pitch, though the selected roof form must be consistent with the architectural style of the building. Applied and partial (less than 3 sides) (Figure 27-243-9).

ii. Where pitched roofs exist, primary roofs shall have a minimum slope of 4:12, while ancillary roof slopes may be no less than 2:12.



**Figure 27-243-9: Roof Types**

**Sec. 27-243. Reserved.**

**Sec. 27-244 242. - Open space requirements in the R-5 zoning district.**

(a) All developments larger than two (2) acres in the R-5 residential district shall provide for the following:

- (1) Minimum open space: Seventy-five (75) percent of gross site area;
- (2) Minimum outdoor living space area: Fifty (50) percent of gross site area; and
- (3) Minimum outdoor recreation space: Five (5) percent of gross site area.

(b) Terms used in subsection (a) have the following meanings:

(1) **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.

(2) **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.

(3) **Outdoor recreation space** means the total amount of usable area permanently set aside of designed specifically for recreation space for the development.

(4) **Gross site area** means:

a. For new development and significant redevelopment (50% or more of any structure on the property), gross site area means the entire site area, including land that will become streets and open spaces, but excluding any existing public right-of-way and excluding any wetlands.

b. For buildings on lots that have already been subdivided and streets have already been created, gross site area means the entire lot area plus one-half the width of the adjoining public right-of-way.

(Ord. No. 2004-10, § 1, 10-4-04)

**Sec. 27-245 244. - Planned unit development (PUD) - special regulations.**

(a) **Intent.** The intent of allowing a planned unit developments (PUD) are-is to provide for more flexible land use controls than provided by the remainder of chapter 27, while maintaining general safety and welfare for the public on sites equal to or greater than two (2) acres. The application of flexible land use controls to the development of land is often difficult or impossible within traditional zoning district regulations. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish planned unit developments (PUD), in which The development is-must provide a public benefit and must be in harmony with the general purpose and intent of chapter 27 and with the city's general planning program and such comprehensive plans as may from time to time be adopted by the city council; but if the such development may differs in one (1) or more respects from the usual application of provisions of this chapter.

(b) **Definition.** For the purpose of this chapter, a planned unit development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must also include a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof.

- (c) The planned unit development will be encouraged to thoughtfully integrate multiple business uses and/or community facilities required or permitted to have a mix of land uses (including residential, commercial and recreational) that is are determined to be acceptable by the community development board and city council. A planned unit development in Neptune Beach may not include residential uses. All residential units shall be built on top of a commercial structure to enhance integration of the mixed use.
- (d) A PUD is allowed in the C-1, C-2, and C-3 zoning districts by special exception provided it does not increase the intensity or density of commercial or high residential uses when in proximity to residential uses specified on the future land use map. Intensity of use is based upon the demand for traffic, water, sewer and solid waste. An increase in intensity in this context means any of the following being placed within one hundred (100) feet of the perimeter of any land zoned for residential uses:
- (1) Any portion of a building that is more than ten (10) feet taller than would be allowed on the abutting residential land
  - (2) Site design that would provide drive-thru facilities or loading facilities abutting residential land.
- (e) **Special exceptions.** Any use, or combination of uses, which is permitted or permissible by special exception in the C-1, C-2, and C-3 zoning district may be included and approved in the special exception creating such PUD; provided that, the development plan is consistent with the applicable adopted future land use map designation and other provisions of the Comprehensive Plan and other provisions of this Code.
- (f) **Application for a PUD.** The application for a PUD shall proceed as other applications for development as outlined in article II; and, in addition to the information required for such development application the PUD shall be required to submit the following:
- (1) Plats and/or metes and bounds description of the area within the PUD.
  - (2) The name and address of the owner(s) and, if applicable, evidence of the assignment of an agent who represents the owner(s).
  - (3) Evidence of unified control of the entire area within the PUD with all owner(s) within the area of same identified.
  - (4) ~~a.~~ An agreement by all owners within the PUD which includes their commitment to:
    - ~~a1.~~ Proceed with the proposed development in accordance with a newly recreated PUD ordinance for each development and such safeguards as may be set by the city council in such special exception; and
    - ~~b2.~~ Provide a written statement of a proposal for completion of such development according to plans approved by such special exception, and for continuing operating and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and
    - ~~c3.~~ To bind their successors in title to any commitments made in their application.
  - (5) A PUD site plan that identifies where on the site any requested code modifications would apply, including a detailed and complete listing of each proposed modification of standards in chapter 27.
  - (6) The PUD site plan must also identify any additional request uses, and where on the site those uses would take place (see subsection (e) above).
  - (h) The city council may decide to approve, deny, or partially approve the requested PUD and/or any specific request for code modifications or additional uses on the site. The city council may impose special conditions on the approval of the PUD to mitigate potential effects of the proposed PUD.
- (g) **Expiration of time limits provided for special exception creating PUD.** If the development permitted, has not started construction within twelve (12) months from the date of approval by the city council, the special exception shall expire. An extension up to an additional twelve (12) months



may be granted by the City Manager, or designee, after review of a formal request in writing with supporting documentation and receipt of any applicable fees.

- (h) **Deviation from approved special exception.** In order to facilitate minor adjustments to the plans approved, the city manager may approve minor deviations to the approved plans provided the buildings have the same or less number of stories, and/or floors; there are the same or fewer square feet of number of dwelling units and/or floor area; the open space is in the same general amount, or greater amount; or, the roads and drives follow approximately the same course and have the same public or private rights therein.
- (i) **Development density.** The total area occupied by all buildings and structures shall not exceed thirty five (35) percent of the gross site area, unless otherwise exempted by the special exception creating the PUD.
- (j) **Waiver of yard, dwelling unit, frontage criteria and use restriction.** Minimum yard, lot size, type of dwelling unit, and frontage requirements and use restrictions are waived as part of the process of the PUD, provided that the purposes of the city council are met.

(Ord. No. 2011-12, § 1, 7-11-11)

### **Sec. 27-244.1. Temporary moratorium on permitting planned unit developments (PUD).**

#### **(a) Purpose.**

- (1) The purpose of this section is to enable the city sufficient time to review, hold public hearings and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances, relating to PUDs. The city will not accept any application or issue any permits authorizing the construction of PUDs, except as provided in this ordinance, or as may otherwise be required by applicable law.
- (2) It is further the purpose of this section to fulfill the city's constitutional charge and statutory obligations to protect and preserve the public health, safety and welfare of the citizens of the city, regarding PUD regulations; and thus defer official government action until the city has properly held public hearings and adopted amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances, as necessary.

#### **(b) Imposition of temporary moratorium.**

- (1) No application for special exception permit, authorization or any other official action of the city having the effect of permitting or allowing the PUDs within the city limits, may be accepted or processed or approved by the city, except as may be required by applicable law. To the extent such an application is submitted, the city staff is authorized to take action to deny such application during the term of this moratorium within such time frame as may be required by applicable law.
- (2) No zoning compliance permit may be issued by the city which would authorize the construction of a PUD.

(c) **Term.** The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the city, shall automatically dissolve three hundred and sixty five (365) days after the effective date of this ordinance, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the city council.

(d) **Early termination.** The moratorium imposed by this section may terminate prior to its twelve-month period upon the passage of ordinances regulating permitting or allowing the construction of PUDs provided:

- (1) Specific language terminating the moratorium is contained within said enacted ordinance; or by
- (2) Passage of another ordinance providing for termination by the city council.

(e) **Effective date.** This ordinance shall take effect immediately upon passage after second reading/public hearing.

**Sec. 27-246. – Central Business District (CBD) zoning district – special regulations**

The standards in this chapter are intended to promote orderly community growth which will both protect and enhance property values for the community. These standards will ensure that new commercial buildings will support and define safe pedestrian, transit, bicycle, and vehicular circulation and allow for infill development that is sensitive to the character and history of the surrounding neighborhood.

- (a) **Residential building design standards.** Residential development within the Central Business District, which is permitted by special exception, shall comply with the design standards outlined in Section 27-243.
- (b) **Commercial building frontage standards.** New commercial development shall comply with the required frontage types and associated standards detailed in Section 27-236.
- (c) **Commercial building design standards.**

(1) **Storefront design.** The storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are required for the ground floor of all buildings located on streets designated with Required Retail Frontage and may be incorporated on any building in the Central Business District (CBD), Neighborhood Center Overlay (NC), and C-1 districts. Storefronts are frequently shaded by awnings or arcades. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to 10 feet (Figure 27-246-1).



Figure 27-246-1: Storefront design

(2) **Entrances and Access.** All new buildings should have the main entrance oriented to and in full view from a street or public open space. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas. Building on corner lots shall use design elements that emphasize the importance of both streets (Figure 27-246-2).

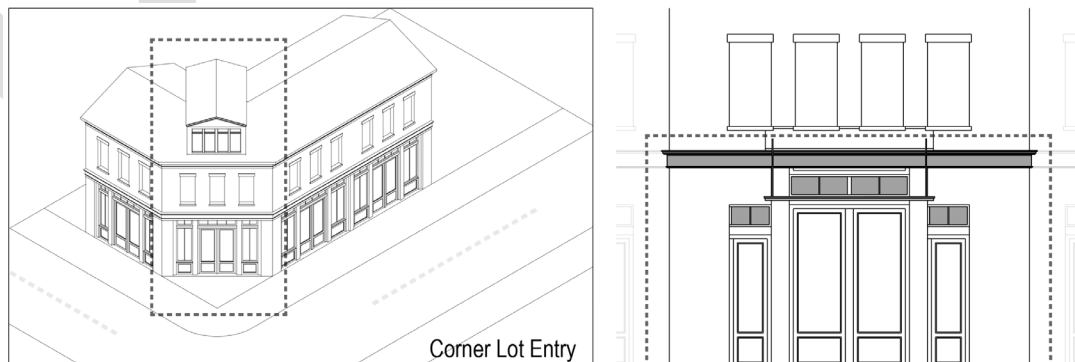


Figure 27-246-2: Primary Entry Examples

(3) **Transparency.** All building facades which face onto a street or public open space, shall meet the following minimum transparency requirements:

a. Buildings with Shopfronts (Figure 27-246-3)

i. Minimum building façade transparency for ground story: 70% and should allow a view of at least 5' of interior space

ii. Minimum building façade transparency for upper stories: 40%

b. Building without Shopfronts (Figure 27-246-4)

i. Minimum building façade transparency for ground story: 30%

ii. Minimum building façade transparency for upper stories: 25%

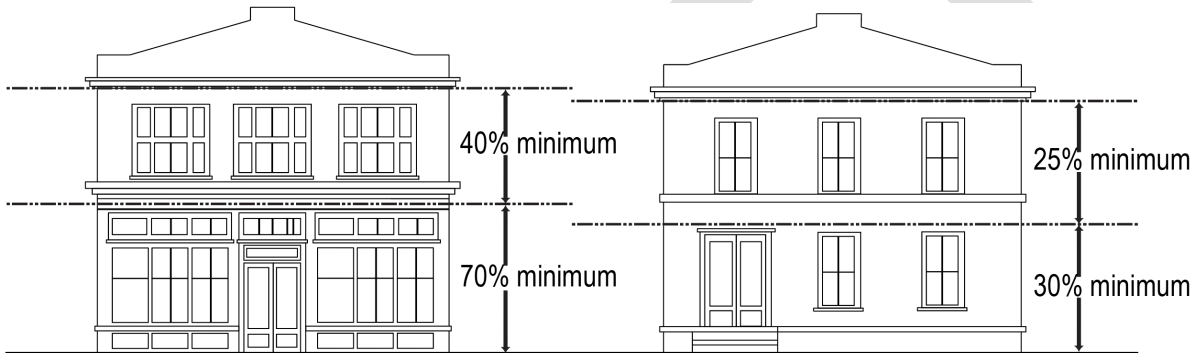


Figure 27-246-3: Façade transparency requirement for buildings with shopfront

Figure 27-246-4: Façade transparency requirement for buildings without shopfront

(4) **Door and window placements.** Door and window openings shall extend along at least 80% of the width of the facade of the commercial space, measured by the sum of the widths of the rough openings. Storefront windows shall have a base nine inches to three feet high. Transparent glazed windows shall extend from the base to at least eight feet in height as measured from sidewalk grade. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than twenty percent (20%).

a. All windows shall be vertically proportioned. Window openings may be horizontally proportioned, but only if composed of vertically proportioned windows.

b. Windows shall be located no closer to the corner of a building than a dimension equal to the width of the window.

(5) **Roof types and pitch.** Permitted roof forms include gabled, hipped, shed, barrel vaulted, flat, mono-pitch, and domes, though the selected roof form must be consistent with the architectural style of the building. Applied and partial (less than 3 sides) Gambrel roofs are not typically permitted but may be allowed at the discretion of the Administrator or Design Review Body based on compatibility with the surrounding context (Figure 27-246-5).

a. Where pitched roofs exist, primary roofs shall have a minimum slope of 4:12, while ancillary roof slopes may be no less than 2:12.

b. Flat roofs shall be screened from adjacent properties and streets with decorative parapets. The maximum height of the parapet wall shall be five feet in height or sufficient height to screen all roof mounted equipment, whichever is greater, measured from the top of the roof deck to the top of the parapet wall.

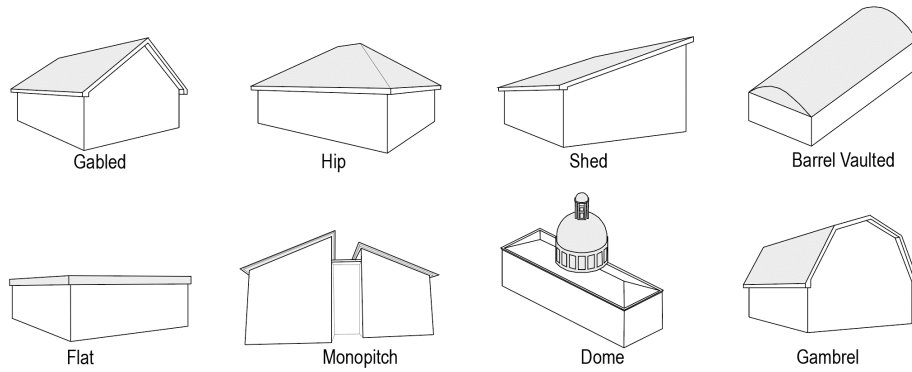


Figure 27-246-5: Roof Types

(6) **Building materials.** Building wall materials shall be combined on each facade only horizontally, unless the building is broken vertically by a change of plane, or a vertical architectural element. Heavier materials, such as masonry and stucco, shall be located below lighter materials, such as cement fiber or wood siding (Figure 27-246-6).

- a. Changes in material or color along the vertical direction should occur at hard-edge “bump-out” transitions, which gives materials a surface to terminate into (Figure X).
- b. Facades with an overabundance of different materials or colors are discouraged.

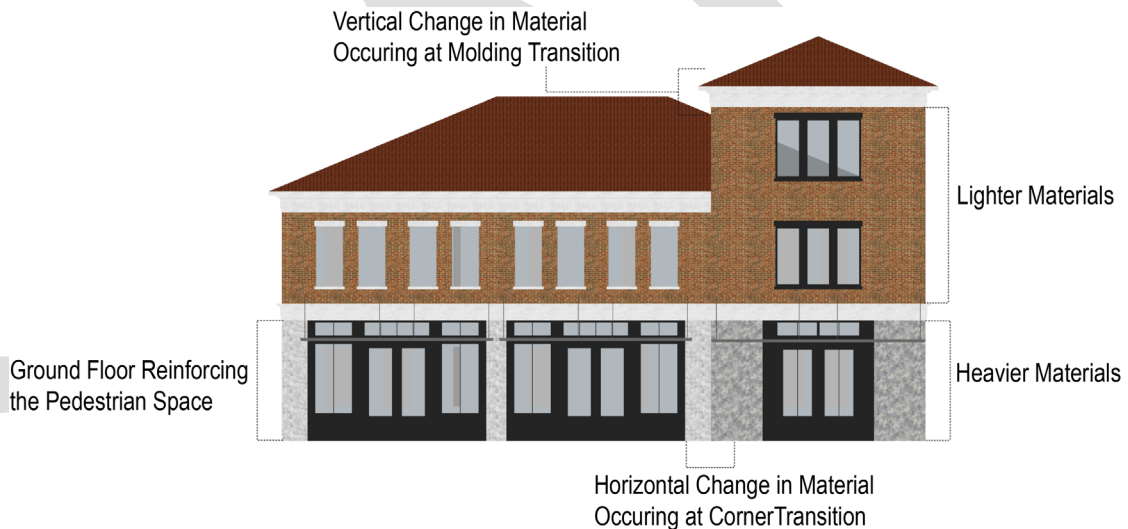


Figure 27-246-6: Material Change

(7) **Architectural elements.**

- a. **Awnings.** Awnings shall project a minimum of three (3) feet from the building facade. Awnings shall be consistent with the building’s architecture and proportionate to the façade opening shape and size.
- b. **Arcade.** An Arcade is a covered, unglazed, linear hallway attached to the front of a building, supported by columns or pillars. The arcade extends into the public right-of-way, over the streetscape area, creating a shaded environment ideal for pedestrians. (Figure 27-246-7).



Figure 27-246-7: Arcade

c. **Cornices.** A projecting cornice may be used to visually establish a top for a building facade (Figure 27-246-8).

i. The top of each primary and secondary mass should be emphasized with a projecting cornice. This cornice should feature a deeper projection and therefore a stronger shadow line than any other expression line on a façade (Figure 27-246-8).



Figure 27-246-8: Building with a primary and secondary cornice.

ii. A cornice may be used to visually support a pitched roof (Figure 27-246-9).

iii. Cornices shall project a minimum of six (6) inches from the building face.

iv. A wall plane may extend above a cornice to form a parapet (Figure 27-246-10).

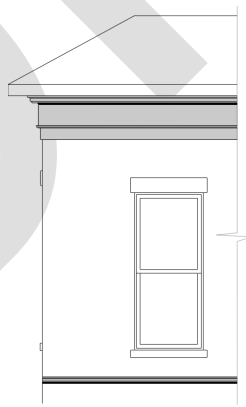
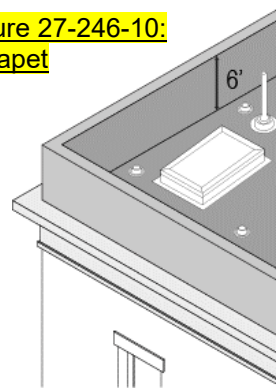


Figure 27-246-9:  
Cornice with a  
pitched roof

Figure 27-246-10:  
Parapet



d. **Decorative Railings.** Decorative railings should be used on building facades when they serve a function such as enclosing planting areas, or as a safety measure for large windows in upper stories. Like typical balcony railings, they must be designed to support

ladders for emergency egress. Grills should not be applied to facades without serving a true function (left). (Figure 27-246-11)



Figure 27-246-11: Decorative Railings

**e. Bay Windows.**

- i. Shall provide habitable interior space and include at least three (3) windows (Figure 27-246-12).
- ii. Shall not project more than three (3) feet from the building façade and shall not encroach onto any public right-of-way. See Section 27-235 (a) (2) regarding encroachments.
- iii. May not exceed sixteen (16) feet in width (Figure 27-246-12).
- ii. Fit in with the overall character an architectural style of the building.

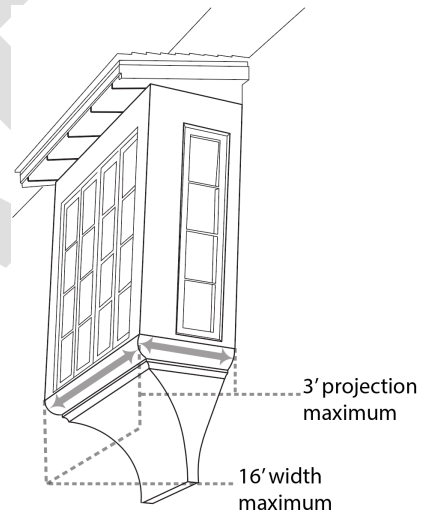


Figure 27-246-12: Bay Windows

**f. Columns, pillars, and posts.**

- i. Shall be spaced at regular intervals not exceeding 24 feet from centerline to centerline, creating openings with a height to width or width to height ratio of 1:1, 2:1, or 2:3.
- ii. Shall always support a structural spanning element, such as a beam, arch, or entablature and be positioned so that the outside edge of the beam, arch, or entablature of the spanning element above aligns with the neck of the column.

**Sec. 27-247. - Neighborhood Center (NC) overlay district – special regulations.**

These regulations will ensure that new commercial buildings will support and define safe pedestrian, transit, bicycle, and vehicular circulation and allow for infill development that is sensitive to the character and history of the surrounding neighborhood.

(a) **Commercial building frontage standards.** New commercial development shall comply with the required frontage types and associated standards detailed in Table 27-239, Section 27-236, and Table 27-236.

(b) **Commercial building design standards along Florida Boulevard.** All new commercial development in this overlay district that fronts along Florida Boulevard shall comply with the building design standards detailed for the CBD in Section 27-246.

**Sec. 27-248-27-300. – Reserved.**

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