

INTRODUCED BY:  
MAYOR PRUETTE



ORDINANCE NO. 2016-07

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE 1, IN GENERAL, SECTION 27-15, DEFINITIONS; ARTICLE IV, LAND USE; SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS; SECTION 27-226, ALLOWABLE USES WITHIN ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**Section 1.** Chapter 27, Unified Land Development Regulation, Section 27-15. Definitions is hereby amended as follows:

**Section 27-15. Definitions.**

*Motor vehicle service* means a building or lot ~~where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade,~~ or where battery, tires and other repair services except body work or painting are rendered.

**Section 2.** Chapter 27, Unified Land Development Regulation, Section 27-225. Uses expressly prohibited within zoning districts is hereby amended as follows:

**Section 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 occupations as provided for in article V.
- (2) C-1, C-2: Residential dwellings, mini-warehouses, gas stations, drive-in restaurants.
- (3) C-3: Residential dwellings, mini-warehouses and gas stations.

(4) CBD district: Mini-warehouses, gas stations, and drive-in restaurants.

(5) 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.

**Section 3.** Chapter 27, Unified Land Development Regulation, Section 27-226. Allowable uses within zoning districts is hereby amended as follows:

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

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

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

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

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

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

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

- (1) Intent. The R-4 zoning districts are intended to provide for single-family and two-family residences with densities not to exceed ten (10) dwelling units per acre. This district corresponds to the residential medium-density designation on the adopted future land use map.
- (2) Permitted uses. The uses permitted within the R-4 zoning district shall be:

- a. Single-family residence;
  - b. Two-family residence (minimum lot size eight thousand seven hundred twelve (8,712) square feet);
  - c. Public park/recreation area;
  - d. Family day care home, as defined by F.S. §§ 402.26 - 402.319;
  - e. Accessory structures and uses as defined by article V.
- (3) Uses by special exception. The uses permitted by special exception within the R-4 zoning district shall be:
- a. Government uses, buildings and utilities;
  - b. Elementary, junior and high schools;
  - c. Worship facility and child care associated with facility.
- (g) Residential-5 (R-5):
- (1) Intent. The R-5 zoning districts are intended to provide for single-family residences, two-family residences and multifamily residences with densities not to exceed seventeen (17) dwelling units per acre. This district corresponds to the residential high density on the adopted future land use map.
- (2) Permitted uses. The uses permitted within the R-5 zoning district shall be:
- a. Single-family residence;
  - b. Two-family residence;
  - c. Multifamily residence;
  - d. Public park/recreation area;
  - e. Family day care home, as defined by F.S. §§ 402.26 - 402.319;
  - f. Accessory structures and uses as defined by article V.
- (3) Uses by special exception. The uses permitted by special exception within the R-5 zoning district shall be:
- a. Government uses, buildings and utilities;
  - b. Elementary, junior and high schools;
  - c. Worship facility and child care associated with facility;
  - d. Adult day care;
  - e. Child day care;
  - f. Nursing home;
  - g. Adult congregate living facility.
- (h) Commercial-1 (C-1):

- (1) Intent. The C-1 zoning districts are intended to provide for office and professional services. This district corresponds to the commercial low designation on the adopted future land use map.
  - (2) Permitted uses. The uses permitted within the C-1 zoning district shall be:
    - a. Business and professional offices including, architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
    - b. Financial institution, insurance and real estate offices;
    - c. Travel agencies;
    - d. Photographic studios;
    - e. Public park/recreation area;
    - f. Accessory structures and uses as defined by article V.
  - (3) Uses by special exception. The uses permitted by special exception within the C-1 zoning district shall be:
    - a. Day spa;
    - b. Parking lot (not associated with any business);
    - c. Government uses, buildings and utilities;
    - d. Elementary, junior and high schools;
    - e. Dance, art, dramatic, gymnastics and music studio;
    - f. Worship facility and child care associated with facility;
    - g. Social, fraternal club, lodge and union hall;
    - h. Library, museum and art gallery.
- (i) Commercial-2 (C-2):
- (1) Intent. The C-2 zoning districts are intended to provide for retail sales and service for one (1) or more neighborhoods. This district corresponds to the commercial medium designation on the adopted future land use map.
  - (2) Permitted uses. The uses permitted within the C-2 zoning district shall be:
    - a. Interior service restaurant, carry-out and delivery restaurant;
    - b. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
    - c. Financial institution, insurance and real estate offices;
    - d. Travel agencies;
    - e. Retail sales, shopping center, wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store and pharmacy;

f. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);

~~g.~~ **Motor vehicle rentals;**

~~h.~~ **g.** Dance, art, dramatic, gymnastics and music studio;

~~i.~~ **h.** Library, museum and art gallery;

~~j.~~ **i.** Public park/recreation area;

~~k.~~ **j.** Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility);

~~l.~~ **k.** Radio and television broadcasting studio;

~~m.~~ **l.** Accessory structures and uses as defined by article V;

~~n.~~ **m.** Nursing home;

~~o.~~ **n.** Adult congregate living facilities;

~~p.~~ **o.** Funeral establishment.

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

a. Planned unit development (PUD);

b. Outdoor seating/dining for restaurant, fast-food restaurant, drive-thru service window for a restaurant;

c. Retail sales with drive-thru service window;

d. ~~Motor vehicle sales and~~ **Motor vehicle sales and** vehicle service;

e. Parking lot (not associated with any business);

f. Moving business (no mini-warehouses);

g. Government uses, buildings and utilities;

h. Recycling collection center;

i. Elementary, junior and high school, trade business or vocational school, college, community college or university;

j. Worship facility and child care associated with facility;

k. Social, fraternal club, lodge and union hall;

l. Recreation, amusement and entertainment (including, theater, night club, private club and bar/tavern);

m. Light manufacturing.

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

- (1) Intent. The C-3 zoning districts are intended to provide for retail sales and service that serve the overall community. This district corresponds to the commercial high designation on the adopted future land use map.
- (2) Permitted uses. The uses permitted within the C-3 zoning district shall be:
  - a. Hospital;
  - b. Hotel/motel;
  - c. Interior service restaurant, carry-out and delivery restaurant;
  - d. Business and professional offices as follows: Building contractors and subcontractors (no outdoor storage of vehicles, materials, equipment or supplies), architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services;
  - e. Personal service establishments as follows: Laundry, cleaning and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair and miscellaneous personal services (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies);
  - f. Retail sales, shopping center wholesale sales (no on-site storage of stock), furniture and appliance sales, package liquor store, pharmacy;
  - ~~g. Motor vehicle sales, rental and sale with installation of motor vehicle parts or accessories;~~
  - ~~h g.~~ Parking lot (not associated with any business);
  - ~~† h~~ Trade business or vocational school, college, community college or university;
  - ~~j i.~~ Dance, art, dramatic, gymnastics and music studio;
  - ~~k j.~~ Library, museum and art gallery;
  - ~~† k.~~ Public park/recreation area;
  - ~~m l.~~ Recreation, amusement and entertainment (including, bowling alley, skating rink, billiard and pool hall, arcade, miniature golf, indoor athletic and exercise facilities, tennis, handball or racquetball facility, theater, night club, private club and bar/tavern);
  - ~~n m.~~ Radio and television broadcasting studio;
  - ~~e n.~~ Accessory structures and uses as defined by article V;
  - ~~p o.~~ Nursing home;
  - ~~q p.~~ Adult congregate living facility;
  - ~~r q.~~ Funeral establishment.
- (3) Uses by special exception. The uses permitted by special exception within the C-3 zoning district shall be:

- a. Planned unit development (PUD);
- b. Outdoor seating/dining for restaurant, fast-food restaurant, drive-thru service window for a restaurant;
- c. Wholesale sales (on-site storage of stock);
- d. Adult entertainment and service;
- e. Retail sales with drive-thru service window;
- f. Bus or other transportation terminal;
- g. Motor vehicle services; ~~including; gas station, automotive/service station, motor vehicle service, vehicle painting and body work, emission control facility and car wash;~~
- h. Moving business (no mini-warehouses);
- i. Government uses, buildings and utilities;
- j. Recycling collection center;
- k. Worship facility and child care associated with facility;
- l. Social, fraternal club, lodge and union hall;
- m. Light manufacturing.

**Section 4.** This ordinance shall take effect upon its adoption.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on First Reading this 6<sup>th</sup> day of July, 2016

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on Second and Final Reading this 1st day of August, 2016.

---

Harriet Pruette, Mayor



ATTEST:

---

Karla Strait, CMC, City Clerk

Approved as to form and content:

---

Patrick Krechowski, City Attorney