

INTRODUCED BY:

VICE MAYOR CHIN



ORDINANCE NO. 2023-01

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE IV LAND USE; SECTION 237 BUILDING AREA REQUIREMENT (REMOVING 3,500 AND 3,000 FLOOR AREA RATIO MAXIMUM IN R-1, R-2, and R-3); AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Neptune Beach possesses the powers to enact ordinances in order to protect the health, safety, and welfare of the City's citizens and residents; and

**WHEREAS**, the City Council of the City of Neptune Beach, Florida determines that it is in the best interest of its residents, businesses and visitors to enact sufficient land use regulations and land use plans to ensure their health, safety and welfare; and

**WHEREAS**, the City of Neptune Beach, Florida previously enacted Chapter 27 Unified Land Development Regulations and Code of Ordinances, of the City of Neptune Beach and;

**WHEREAS**, the City has received feedback from residents and stakeholders that it should be a priority to preserve the unique character of Neptune Beach through this process; and

**WHEREAS**, development contrary to the desires of residents, stakeholders, and the City Council would undermine the planning efforts undertaken and create irreparable harm to the scheme of development sought within the City; and

**WHEREAS**, prior efforts inconsistent with such desires, including costly litigation, could have been mitigated had the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances contained provisions designed to clarify matters and protect the interests of the City and its residents; and

**WHEREAS**, the City Council previously adopted a new comprehensive plan; and

**WHEREAS**, the City Council subsequently undertook a process to analyze, revise, and refine the land development regulations contained in Chapter 27 of the City's Code to meet the goals set forth above and to ensure compliance with the comprehensive plan; and

**WHEREAS**, the City Council has hired the services of Dover, Kohl & Partners, an award-winning planning firm, to assist with the comprehensive plan and land development regulation revision process; and

**WHEREAS**, the City and Dover, Kohl and Partners have conducted numerous forums, charettes, meetings, and collected feedback regarding the desires of the residents and stakeholders within the City regarding such matters; and

**WHEREAS**, the information received from such efforts was used to develop proposed revisions to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances; and

**WHEREAS**, proper notice has been given of the public hearings of this proposed ordinance and of the public hearings in the City Council Chambers; and

**WHEREAS**, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

**WHEREAS**, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City of Neptune Beach, Florida and that it advances a significant and important governmental interest; and

**WHEREAS**, in particular, the City Council of the City of Neptune Beach, Florida has determined that it is necessary and in the interest of the public welfare to amend the language contained in the attached "**EXHIBIT A**".

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

**SECTION 1.** Chapter 27 Unified Land Development Regulations and the additional aforementioned chapters of the Code of Ordinances of the City of Neptune Beach is hereby revised as provided on "**EXHIBIT A**".

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

**SECTION 3.** Repeal of Laws in Conflict. All local laws and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of any conflict.

**SECTION 4.** Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES
Councilor Nia Livingston	YES

Passed on First Reading this 6<sup>th</sup> day of March, 2023.

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

Mayor Elaine Brown	YES
Vice Mayor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	YES
Councilor Nia Livingston	YES

Adopted on Second and Final Reading this 3<sup>rd</sup> day of April, 2023.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC, City Clerk



Approved as to form and  
correctness:

  
Zachary Roth, City Attorney

## EXHIBIT A

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

Principal buildings shall not exceed the maximum floor areas, exclusive of the required architectural elements, as provided for below:

- (1) **R-1 district:** Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of seventy-five (75) percent of the total lot area ~~or a maximum of three thousand five hundred (3,500) square feet, whichever is less~~. Balconies, porches, and other architectural features are excluded from the FAR requirement. Except, 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.

The FAR is calculated by dividing the gross floor area by the total lot area. The total lot area for this provision shall be the boundary of the parcel as indicated by the property lines unless the lot is non-conforming, in which case, one-half the width of the adjacent local right-of-way may be used.

- (2) **R-2 district:** Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of seventy (70) percent of the total lot area ~~or a maximum of three thousand (3,000) square feet, whichever is less~~. Balconies, porches, and other architectural features are excluded from the FAR requirement. Except, 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.

The FAR is calculated by dividing the gross floor area by the total lot area. The total lot area for this provision shall be the boundary of the parcel as indicated by the property lines unless the lot is non-conforming, in which case, one-half the width of the adjacent local right-of-way may be used.

- (3) **R-3 district:** Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of sixty-five (65) percent of the total lot area ~~or a maximum of three thousand (3,000) square feet, whichever is less~~. Balconies, porches, and other architectural features are excluded from the FAR requirement. Except, 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.

The FAR is calculated by dividing the gross floor area by the total lot area. The total lot area for this provision shall be the boundary of the parcel as indicated by the property lines unless the lot is non-conforming, in which case, one-half the width of the adjacent local right-of-way may be used.

- (4) **R-4 district:** Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of sixty-five (65) percent of the total lot area. Balconies, porches, and other architectural features are excluded from the FAR requirement. 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.

The FAR is calculated by dividing the gross floor area by the total lot area. The total lot area for this provision shall be the boundary of the parcel as indicated by the property lines unless the lot is non-conforming, in which case, one-half the width of the adjacent local right-of-way may be used.

- (5) ***R-5 district:*** Not applicable.
- (6) ***C-1 district:*** In order to promote a more human-scaled environment along the 3<sup>rd</sup> Street Corridor, no 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. A structure may be constructed on a single parcel so long as the structure does not exceed 100 linear feet of frontage without a 10' separation between any additional structures constructed upon the same parcel of land. Furthermore, boutiques are limited to two (2) stories and no more than 2,000sf per floor. 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 thirty thousand (30,000) square feet of total gross floor area in aggregate.
- (7) ***C-2 district:*** 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 these sixty thousand (60,000) square feet 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:*** 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 these sixty thousand (60,000) square feet 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:*** 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:*** Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of sixty-five (65) percent of the total lot area. Balconies, porches, and other required architectural features are excluded from the FAR requirement.

The FAR is calculated by dividing the gross floor area by the total lot area. The total lot area for this provision shall be the boundary of the parcel as indicated by the property lines.