



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
January 8, 2025 AT 6:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. 2025 Community Development Board Submission and Meeting Dates
4. **V25-01:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Hembree and Beatriz Nobles for the property currently known 834 McCollum Circle. (RE# 172403-0000). The applicant requests a variance from Section 27-328 to permit a reduction in the required ten foot separation of an accessory structure from principal structure to allow an eight foot separation. The property is in the R-2 zoning district.
5. **Code Discussion (Boats/RVs in Yards):** Sec. 27-335- Parking, Storage or Use Of Major Recreational Equipment.
6. Subcommittee Reports
7. Open Discussion
8. Adjourn

Residents and Board Members attending public meetings can validate their parking at no cost by using the parking code

DD14

After 5:00 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: 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."

SUBMISSION AND REVIEW PROCESS DATES FOR THE COMMUNITY DEVELOPMENT BOARD

Submission of plans by these deadline days **does not** guarantee automatic scheduling of review by the Community Development Board (CDB) for that meeting date. Submission or meeting dates that fall on a City holiday are subject to change. CDB meeting dates are also subject to change. For items that need council approval it will be forwarded to the next available council meeting.

*The board does not meet in the month of December

CDB MEETING DATE IS THE 2ND WEDNESDAY OF THE MONTH AT 6:00 PM	SUBMITTAL DEADLINE FOR APPLICATIONS IS 4:00PM ON THE 2ND FRIDAY OF THE MONTH PRIOR TO THE BOARD'S MEETING DATE THE FOLLOWING MONTH	CITY COUNCIL MEETING DATES (IF REQUIRED BY CODE) COUNCIL MEETING START AT 6:00 PM
Wed 01/08/2025	Fri 12/13/2024	Mon 02/03/2025
Wed 02/12/2025	Fri 1/10/2025	Mon 03/03/2025
Wed 03/12/2025	Fri 02/14/2025	Mon 04/07/2025
Wed 04/09/2025	Fri 03/14/2025	Mon 05/05/2025
Wed 05/14/2025	Fri 04/11/2025	Mon 06/02/2025
Wed 06/11/2025	Fri 05/09/2025	Mon 07/07/2025
Wed 07/09/2025	Fri 06/13/2025	Mon 08/04/2025
Wed 08/13/2025	Fri 07/11/2025	Date to be determined due to holiday
Wed 09/10/2025	Fri 08/08/2025	Mon 10/10/2025
Wed 10/08/2025	Fri 09/12/2025	Mon 11/14/2025
Wed 11/12/2025*	Fri 10/10/2025	Mon 12/01/2025
Wed 01/14/2026	Fri 12/1/2025	Mon 02/02/2026

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



STAFF REPORT

MEETING DATE: January 8, 2025
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: V25-01

TO: Community Development Board

FROM: Heather Whitmore, AICP, PTP Community Development Director

DATE: January 3, 2025

SUBJECT: Variance Request 834 McCollum Circle (RE# 172403-2300): Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Hembree and Beatriz Nobles for the property currently known 834 McCollum Circle. (RE# 172403-2300). The applicant requests a variance from Section 27-328 (a) (2) b. to permit a reduction in the required ten foot separation of an accessory structure from the principal structure to allow an eight foot separation.

- I. BACKGROUND:** An application for a variance requesting relief for:
- Section 27-328 (a) (2) b. Accessory structures separation from principal structures

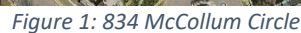
II. DISCUSSION:

The property owner of 1420 1st Street requests a variance from Section 27-238 (a) (2) b. to permit a reduction in the required ten foot separation of an accessory structure from principal structure to allow an eight foot separation. The property is in the R-2 zoning district. The home is located in the Neptune By the Sea neighborhood.

Section 27-238 (a) (2) b. states:

“Accessory structures (except as provided elsewhere in this article) shall be separated from the principal structure by not less than ten (10) feet.”

All development in the Neptune By the Sea neighborhood must be approved by the Neptune By The Sea Homeowners Association. The property owner has consulted with the HOA and has been asked to locate the shed on the northern side of the lot. Given the limited developable area in the northern rear yard, the shed must be located eight feet from the house to avoid the steep elevation drop on the east side and ten foot utility easement on the northern side. Therefore, the applicant requests a variance to allow an eight foot separation from the principal structure in lieu of the required ten foot separation of an accessory structure.



III. FINDINGS:

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.**
 - a. **Applicant Response:** We have an easement on the property that prevents the proposed shed from being in the required 10 foot from each wall of the property. Additionally, there is a steep slope heading down to the lake. Finally, the HOA ARC has denied the building of the shed on the other side of the property.
 - b. **Staff Response:** The property is unique and peculiar in circumstances. The northern easement, and steep slope on the rear yard limits buildable lot area. The HOA restricts development options for the owners.
2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
 - a. **Applicant Response:** Given the easement and slope, the proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
 - b. **Staff Response:** The requested variance for the separation distance from the principal structure is the minimum necessary to allow for construction of the shed. The proposed location of the shed is the maximum distance possible from the home given the site constraints.
3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
 - a. **Applicant Response:** It would not. We have an explicit agreement from our neighbors. The shed will be painted the same colors as the principal property comment and be pleasant to the eye.
 - b. **Staff Response:** The proposed shed will not adversely affect adjacent and nearby properties. The HOA has approved the proposed shed.
4. **The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**
 - a. **Applicant Response:** It will not.

- b. **Staff Response:** The proposed variance would not diminish property value. The HOA has approved the proposed shed.
- 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.**
 - a. **Applicant Response:** If the general intent of ULDC is that homeowners be allowed the beneficial use of their property without encroaching on or adversely affecting the values, rights, and use of the adjacent property and community, then yes, the effect of this proposed variance is in harmony with the general intent of the LDC.
 - b. **Staff Response:** The variance request is in harmony with the general intent of the LDC.
- 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.**
 - a. **Applicant Response:** This is not the case.
 - b. **Staff Response:** The variance request for the separation distance from the principal structure is not created through the actions of the property owner. The site conditions limit the location of the shed, and the HOA restricts options for the homeowner.
- 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.**
 - a. **Applicant Response:** I met with the city staff member who has stated that due to the three unique hardships, granting this variance would not be a special privilege and she would recommend granting the variance.
 - b. **Staff Response:** Granting the variance request would not confer upon the applicant special privileges not granted in the zoning district.
- IV. **CONCLUSION:** Staff recommends approval of the variance request from Section 27-238 (a) (2) b. for an eight foot separation of an accessory structure from a principal structure in lieu of the required ten feet.
- V. **RECOMMENDED MOTION:**
 - a. I recommend approval of V25-01

OR
 - b. I recommend denial of V25-01

V25-01

APPLICATION FOR ZONING VARIANCE



TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266-6140
PH: 270-2400 Ext 34 Email: CDD@NBFL.US

IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.

Date Filed: 12.12.24	Zoning District: R-37 (EVAL. ZONE B)	Real Estate Parcel Number: 172403-2000
Name & Address of Owner of Record: Hembree Nobles Beatriz Nobles 834 McCollum Cir Neptune Beach FL 32266		Property Address: 834 McCollum Cir. Neptune Beach FL 32266 Number of units on property 1
Contact phone number# 904.891.9677	Have any previous applications for variance been filed concerning this property? not aware of any	
e-mail address marlavball@gmail.com	If Yes, Give Date: _____	
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): Sec. 27-328 requires separation of a shed from the principal structure to be not less than 10 feet.		
2. Explain the purpose of the variance (if granted)? To build a shed on the property.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary): Please see attachments.		
A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action. 1) Easement 2) Slope 3) HOA denial of placement of the shed on the other side of our property.		

✓ B. Survey of the property certified by licensed surveyor and dated within one year of application date.
SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.

✓ C. Copy of Deed

✓ D. Pictures of the property as it currently exists

✓ 5. Letter of authorization for agent to make application (Required only if not made by owner)

6. **NON-REFUNDABLE FEE:**
\$300.00 (Residentially zoning property) / \$1,000.00 (Commercially Zoned Property)

NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

***If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

***If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.

NAME (S) OF PROPERTY OWNER (S)

HEMBREE NOBLES
BEATRIZ NOBLES

NAME OF AUTHORIZED AGENT

MARLA E. NOBLES

ADDRESS OF PROPERTY OWNER

834 MCCOLLUM CIR.
NEPTUNE BEACH, FL 32266

ADDRESS OF AUTHORIZED AGENT

834 MCCOLLUM CIR.
NEPTUNE BEACH, FL 32266

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

Marla E

OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT

THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.

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

[Share Link to section](#)[Print section](#)[Download \(Docx\)](#) of sections[Email section](#)[Compare versions](#)

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.

We have an easement on the property that prevents the proposed shed from being the requisite 10 feet from each wall of the property (see survey with proposed shed). Additionally, there is a steep slope heading down to the lake (see boundary survey). Finally, the HOA ARC has denied the building of the shed on the other side of the property (see letter, attached).

(2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. Given the easement and slope, 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.

It would not. We have explicit agreement from our neighbors. The shed will be painted the same colors as the principal property, and be pleasant to the eye.

(4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

It will not.

(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.

If the general intent of the ULDC is that home owners be allowed the beneficial use of their property without encroaching on or adversely affecting the values, rights and use of the adjacent properties and community, then yes, the effect of this proposed variance is in harmony with the general intent 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.

This is the case.

(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.

I met with a city staff member who has stated that due to the three unique hardships, granting this variance would not be a special privilege and she would recommend granting the variance.

A.

LOT AREA	= 11,564 S.F.
HOUSE AREA	= 2,586 S.F.
COVERED ENTRY	= 19 S.F.
SCREENED PATIO	= 194 S.F.
PAVER PATIO	= 101 S.F.
CONCRETE DRIVE & WALK	= 595 S.F.
A/C PADS (2)	= 14 S.F.
PLASTIC SHED	= 19 S.F.
TOTAL IMPERVIOUS AREA	= 3,528 S.F. (3)

UM CIRCLE
(McCULLUM CIRCLE BY PLAT)

49"E - 57.69' (FIELD)
ARC=58.25' - 58.17'

CHORD=N31°27'00"E
RADIUS=180.00'
DELTA=10°04'51"
CURB INLET
31.64' (FIELD)
31.63'
ARC=31.67'

LOT 140

Proposed Shed
10x16 site-built woodshed
Not on concrete

S63°36'10"E
95.14' (FIELD)
110.00'

1-STORY BRICK
RESIDENCE No. 834

S01°40'49"E 77.68'

N65°17'57"W
N65°02'10"W 113.91'
114.46' (FIELD)

LOT 90
NEPTUNE BY THE SEA-UNIT TWO
PLAT BOOK 41, PGS. 20-20C

N87°09'33"W 43.82'

LOT 136
NEPTUNE BY THE SEA-UNIT T
PLAT BOOK 46, PGS. 78-7

CONTROL VALVE

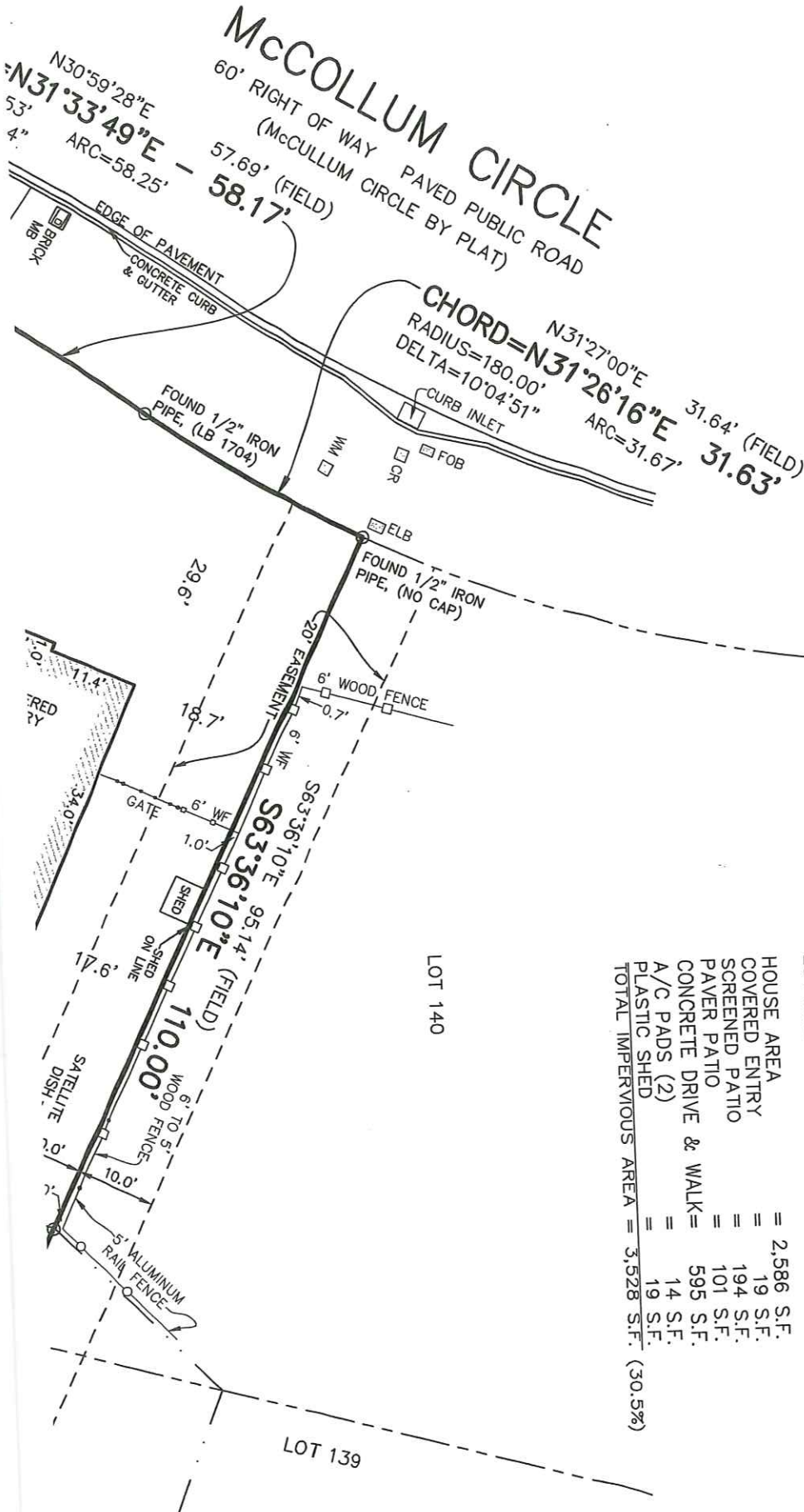
C CABLE PULL BOX

ABBREVIATION LEGEND GENERAL SURVEY NOTES

CERTIFIED TO:

MAP SHOWING SURVEY OF

LOT 141, NEPTUNE BY THE SEA UNIT THREE AS RECORDED IN PLAT BOOK 46,
PAGES 78, 78A, AND 78B, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
FLORIDA.



12/12/24, 6:09 PM

Nobles Elder Law Mail - Fwd: Request for Placement of Structure

HARDSHIP # 3:



Marla Nobles <marla@nobleselderlaw.com>

Fwd: Request for Placement of Structure

Thu, Dec 12, 2024 at 6:05 PM

Greg Smith <jgreg1223@gmail.com>
To: marla@nobleselderlaw.com

Let me know if this works or if you need it a different way.

Greg Smith

Jgreg1223@gmail.com
904-504-4620

Begin forwarded message:

From: Greg Smith <jgreg1223@gmail.com>
Date: November 13, 2024 at 7:08:39 PM EST
To: marlavball@gmail.com
Subject: Request for Placement of Structure

Marla Nobles
834 McCollum Cir
Neptune Beach FL 32266

Dear Ms. Nobles;

I have received your request to place a structure on your property between yourself and your neighbor at 828 McCollum Cir. I regret to advise that I must decline your request at this time. If you have any questions, need additional information or would like to discuss this decision further, please feel free to contact me at either phone number or email address below.

Thank you,
Greg Smith, Representative
Architectural Review Committee, Neptune by the Sea III Homeowners' Association
720 Cherry St
Neptune Beach FL 32266
M: 904-504-4620
E: jgreg1223@gmail.com

cc: Brad Randall, President, Neptune by the Sea III Homeowners' Association

C.

Prepared by:
Barbara J. Lamb
Buschman, Ahern, Persons & Bankston
2215 S. Third Street, Suite 101
Jacksonville Beach, Florida 32250
File No.: 01-92

Record and Return to:
Hembree A. Nobles and Beatriz E. Nobles
834 Mc Cullum Drive
Neptune Beach, Florida 32266

Doc# 2001080383
Book: 9942
Page: 2415
Filed & Recorded
04/09/2001 08:52:16 AM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.00
DEED DOC STAMP \$ 1,368.50
RECORDING \$ 5.00

General Warranty Deed

Made this 2nd day of April, 2001, by **Mildred E. Wilkes, an unmarried woman**, hereinafter called the grantor, to **Hembree A. Nobles and Beatriz E. Nobles, husband and wife**, whose post office address is: 834 Mc Cullum Drive, Neptune Beach, Florida 32266, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Duval County, Florida, viz:**

Lot 141, Neptune by the Sea Unit Three, according to plat thereof recorded in Plat Book 46, pages 78, 78A and 78B, of the current public records of Duval County, Florida.

Parcel ID Number: **172403-2300**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

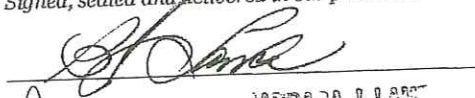
Subject To taxes for the current year, covenants, restrictions and easements of record and by this reference shall not operate to reimpose the same.

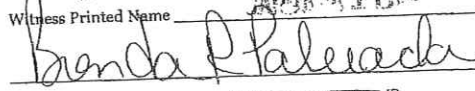
To Have and to Hold, the same in fee simple forever.

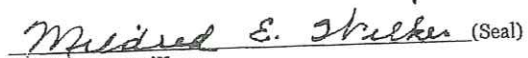
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2000.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name BRENDA PATERACK

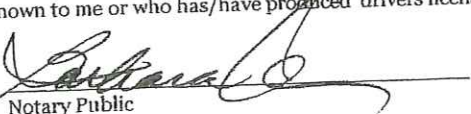

Witness Printed Name BRENDA PATERACK

 (Seal)
Mildred E. Wilkes
Address: 9601 Southbrook Drive, Apartment E-106
Jacksonville, Florida 32256

(Seal)

State of **Florida**
County of **Duval**

The foregoing instrument was acknowledged before me this 2nd day of April, 2001 by Mildred E. Wilkes, an unmarried woman, who is/are personally known to me or who has/have produced drivers license as identification.


Notary Public
Print Name: _____

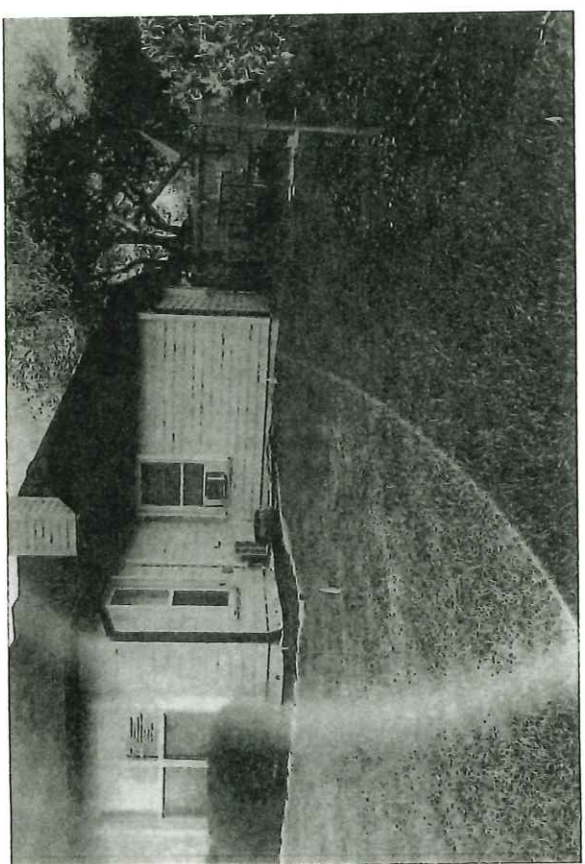
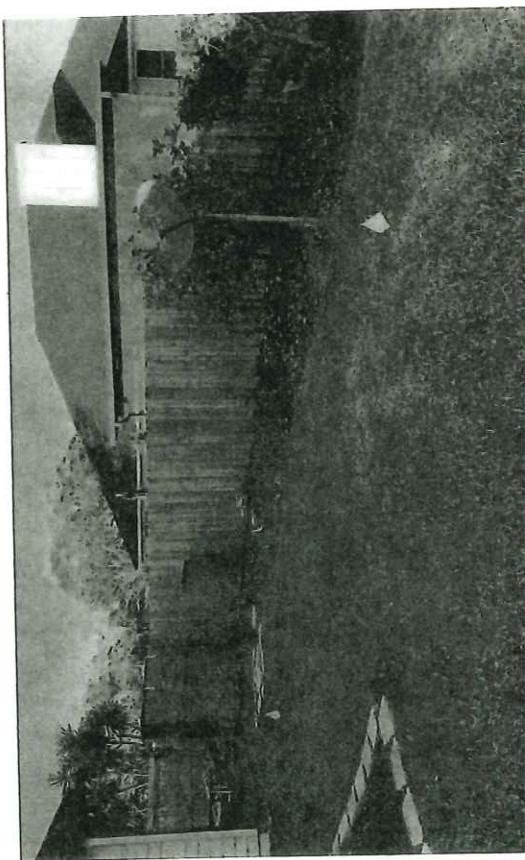
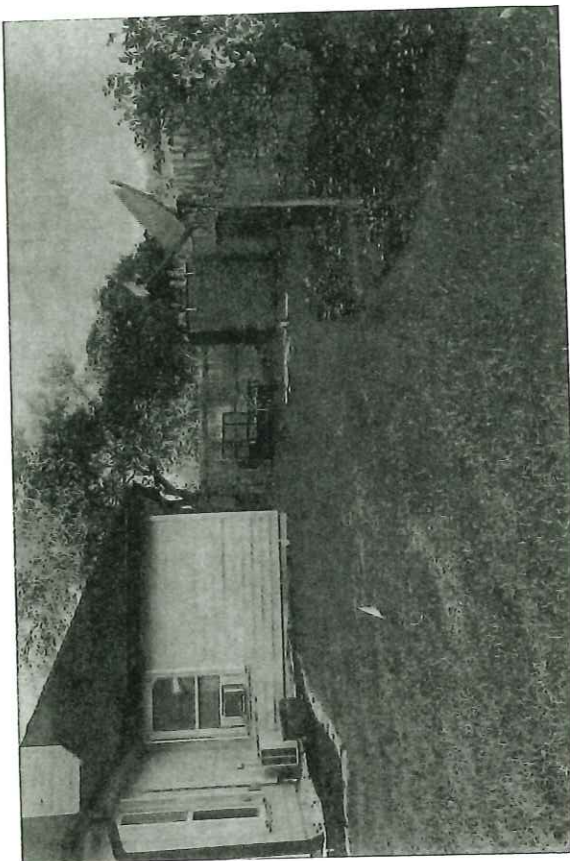


My Commission Expires
June 26, 2002
BONDED THRU TROY FAIR INSURANCE, INC.



Barbara J. Lamb
MY COM. EXPIRES
2002
BONDED THRU TROY FAIR INSURANCE, INC.

136850 ①



COMMUNITY DEVELOPMENT BOARD RESOLUTION 2025-01

RESOLUTION OF THE COMMUNITY DEVELOPMENT BOARD OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOMMENDING APPROVING THE APPLICATION V25-01 OF 834 MCCOLLUM CIRCLE (RE# 172403-2300) FOR VARIANCE FROM SECTION 27-328 (A) (2) B. TO PERMIT A REDUCTION IN THE REQUIRED TEN FOOT SEPARATION OF AN ACCESSORY STRUCTURE FROM THE PRINCIPAL STRUCTURE TO ALLOW AN EIGHT FOOT SEPARATION; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach's Community Development (CDB) is created by Chapter 27, Article II, Division 1, City of Neptune Beach Code of Ordinances and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, the CDB is hereby designated as the local planning agency; and

WHEREAS, the CDB is statutorily responsible under Chapter 163 Florida Statutes and Section 27-39 of the City of Neptune Beach's Land Development Code (LDC) for carrying out the functions of a local planning agency including, without limitation, conducting public hearings, gathering information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the comprehensive plan and provisions of this Code; and,

WHEREAS, Section 27-39 of the City of Neptune Beach's LDC grants the CDB authority to make recommendations to the City Council for certain matters; and,

WHEREAS, following proper notice and as required under the LDC and Florida Law. the CDB conducted a public hearing on **January 8, 2025** to consider an application for a **variance from Section 27-328 (a) (2) b. to permit a reduction in the required ten foot separation of an accessory structure from the principal structure to allow an eight foot separation** submitted by **Hembree and Beatriz Nobles**, which is hereby adopted and incorporated herein and made a part hereof by reference (Application).

NOW THEREFORE BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT BOARD, that the CDB makes the following recommended order:

Section 1. Recitals. The above Recitals are hereby approved and adopted by the CDB.

Section 2. Order. After public hearing, Board deliberation and consideration of the Application, agenda materials and testimony; it is HEREBY RECOMMENDED BY THE CDB that the Application is **GRANTED/DENIED.**

Section 3. Findings of Fact and Conclusions are Law. The Findings of fact and conclusions of law, which are the basis of the CDB's **recommendation** in this matter, are found within the minutes of the meeting and in the agenda materials, which are hereby adopted and incorporated herein and made a part hereof by reference.

FINDING OF FACT #1:

THE PROPERTY IS UNIQUE AND PECULIAR IN CIRCUMSTANCES. THE NORTHERN EASEMENT, AND STEEP SLOPE ON THE REAR YARD LIMITS BUILDABLE LOT AREA. THE HOA RESTRICTS DEVELOPMENT OPTIONS FOR THE OWNERS.

FINDING OF FACT #2:

THE VARIANCE REQUEST FOR THE SEPARATION DISTANCE FROM THE PRINCIPAL STRUCTURE IS NOT CREATED THROUGH THE ACTIONS OF THE PROPERTY OWNER. THE SITE CONDITIONS LIMIT THE LOCATION OF THE SHED, AND THE HOA RESTRICTS OPTIONS FOR THE HOMEOWNER.

Section 4. Conflicts and Severability. If any part of this Resolution conflicts with any local, State or Federal Law, the conflicting provision shall be stricken. The remaining provisions shall survive.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

(ADOPTION PAGE FOLLOWS)

THE FOREGOING RESOLUTION was enacted by the Community Development Board upon a motion by Board Member Made by Schwartzenberger and seconded by Board **XXXXXX** and, upon being put to a vote, the result was as follows:

Greg Schwartzenberger (Member / Chairman)	Aye/Na
Rene Atayan (Member)	Aye/Na
Charles Miller (Member)	Aye/Na
Jonathan Raiti (Member)	Aye/Na
William Hilton (Member)	Aye/Na
Anthony Mazzola (Member)	Aye/Na
Linda Padtre (Alternate)	Aye/Na

DULY PASSED AND ADOPTED by the Community Development Board of the City of Neptune Beach, Florida, on this 8th day of January 2025.

**Community Development Board, City of
Neptune Beach, Florida**

Greg Schwartzenberger, Chairman

Approved as to Form:

Vose Law Firm, City Attorney

Attest:

Piper Turner, Code Compliance Officer

Seal:

CODE COMPARISON

Parking, storage or use of major recreational equipment

CITY	Permitted in Residential	Permitted in Front Yard Setback	Permitted in Front Corner Yard Setback	Exclusively Permitted in Side/Rear Yard	Size limitation
NEPTUNE BEACH	Yes	No	No	Yes (3' setback)	Boats/RV may not exceed 28'
JAX BEACH	Yes	No	No	Yes	Boats less than 20' not regulated/All RVs regulated
ATLANTIC BEACH	Yes	No (15' front setback)	No	Yes	NA
JACKSONVILLE	Yes	No	No	Yes	NA
FERNANDINA BEACH	Yes	No	No	Yes	NA
ST JOHNS COUNTY/PONTA VEDRA BEACH	Yes (Not in Ponte Vedra)	No	No	Yes	NA
ST AUGUSTINE	Yes	No	No	Yes (5' setback)	NA

NEPTUNE BEACH

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

Sec. 27-335. - Parking, storage or use of major recreational equipment.

(a) No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yard and not within three (3) feet of any property line;** provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment and other similar trucks or equipment.

(b) Major recreational equipment shall also **be limited to two (2) total on a property.** Each piece of equipment shall **not exceed twenty-eight (28) feet** in length.

JAX BEACH

Sec. 34-402. - Parking of heavy vehicles in RS-1, RS-2, RS-3, RM-1, and RM-2 zoning districts, or residential uses in RD or PUD zoning districts.

For the dual purpose of preserving attractive residential areas within the city and promoting safe, unimpeded traffic circulation throughout such areas, the following supplemental parking restrictions shall apply:

(1) *Within a street right-of-way.* The following vehicles shall not be parked or stored on any public street right-of-way or approved private street easement contiguous to a residentially zoned property or residentially used property in an RD or PUD district:

- a. Any boat or boat trailer.
- b. Any hauling trailer.
- c. Any of the following recreational vehicles: Travel trailers, motor homes and camping trailer.
- d. Any semi-trailer truck or cab.
- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(2) *Within the setback area from a street right-of-way.* **The following vehicles shall not be parked or stored, in whole or part, within the required setback area from a street right-of-way or approved private street easement on residentially zoned property or residentially used property in an RD or PUD district:**

- a. **Any boat which measures in excess of twenty (20) feet in length.**
- b. Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length.
- c. **Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers.**
- d. Any semi-trailer truck or cab.
- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(3) *On any residentially zoned property or residentially used property in an RD or PUD district.* No garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials shall be parked or stored in any residentially zoned property or residentially used property in an RD or PUD district.

(4) *Occupation.* The trailer or camper shall not be occupied, except for the purpose of repair or maintenance, at any time during the parking or storage, except by permit which has been issued in accordance with [section 34-402\(6\)](#). The term "occupied" for the purpose of this division shall include but not be limited to electrical connections (permanent or drop cord), water and sewer connections (flexible or permanent hose), telephone connections (permanent or extension) or personal occupancy of any kind (day or night).

(5) *Removal of wheels.* The wheels of the trailer shall not be removed, except for repair or maintenance, at any time during such storage or parking, but the body of a truck type camper may be removed from the truck or other vehicle.

(6) *Permit required for temporary occupancy of travel trailer, motor home or camping trailer.* Any owner desiring to temporarily occupy any travel trailer, motor home or camping trailer which has been or is to be stored or parked as permitted in [section 34-402\(2\)](#) must apply to the code enforcement inspector for a city permit for temporary occupancy. No such permit for temporary occupancy shall be issued for a period in excess of thirty (30) consecutive calendar days and in no event shall such permit be issued for a total in excess of thirty (30) calendar days during any calendar year for the same property. Permits for temporary occupancy shall be issued only for trailers or campers stored or parked on unoccupied property which is owned by the owner of the trailer or camper being stored or parked. Such permit shall be valid only for the term stated on the permit.

(7) *Enforcement.* The preceding parking restrictions shall be enforced in accordance with the terms of Article XIII and the following:

- a. The parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where it is parked.
- b. The parking restrictions shall not apply to the loading, unloading or cleaning of vehicles provided such act is fully completed in twenty-four (24) hours.
- c. The parking of vehicles, boats and trailers in residentially zoned property or residentially used property in an RD or PUD district shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning of [section 34-522](#) of this LDC.

ATLANTIC BEACH

Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.

(a) The storage and parking of commercial vehicles greater than twelve thousand five hundred (12,500) pounds gross vehicle weight and dual rear wheel vehicles shall be prohibited in all residential zoning districts.

(b) Commercial vehicles of less than twelve thousand five hundred (12,500) pounds gross vehicle weight, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1) No more than one (1) commercial vehicle of less than twelve thousand five hundred (12,500) pounds shall be permitted on any residential lot, and such commercial vehicle shall be parked a minimum of twenty (20) feet from the front lot line. Such commercial vehicle shall be used in association with the occupation of the resident.

(2) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products or other hazardous materials be permitted to be parked or stored either temporarily or permanently in any residential zoning district.

(3) Commercial construction equipment or trailers containing construction equipment shall not be parked or stored on any residential lot except in conjunction with properly permitted, ongoing construction occurring on that lot.

(c) **Recreational vehicles, boats, and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district**, except in accordance with the following requirements:

(1) Not more than one (1) recreational vehicle, boat or boat trailer, or other type of trailer shall be stored or parked on any residential lot which is five thousand (5,000) square feet in lot area or less. Minimum lot area of ten thousand (10,000) square feet is required for storage or parking of any second recreational vehicle, boat or boat trailer, or other type of trailer. **In no case may more than a total of two (2) such vehicles** and trailers be parked on any residential lot.

(2) **Recreational vehicles, boats or boat trailers, or other type of trailer shall not be parked or stored closer than fifteen (15) feet from the front lot line** and shall be parked in a manner that is generally perpendicular to the front property line such that length is not aligned in a manner that extends across the front of the lot, it being the intent that recreational vehicles, boats and trailers that are parked forward of the residence should not excessively dominate the front of the lot.

(3) Recreational vehicles shall not be inhabited or occupied, either temporarily or permanently, while parked or stored in any area except in a trailer park designated for such use as authorized within this chapter.

(4) Recreational vehicles parked or stored on any residential lot for a period exceeding twenty-four (24) hours shall be owned by the occupant of said lot.

(d) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.

(e) No materials, supplies, appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential zoning districts, nor shall any home appliances or interior home furnishings be stored outdoors in any residential zoning district.

(f) The provisions of this section shall not apply to the storage or parking, on a temporary basis, of vehicles, materials, equipment or appliances to be used for or in connection with the construction of a building on the property, which has been approved in accordance with the terms of this chapter or to commercial or recreational vehicles, boats or trailers parked within completely enclosed buildings.

JACKSONVILLE

Sec. 656.409. - Parking, storage or use of recreational vehicles and boats.

No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residentially-zoned lot or in another location not approved for this use. **Boats, boat trailers, horse trailers or any other trailer and recreational vehicles may be parked or stored in a required rear or side yard but not in required front yards**, provided however, that these vehicles may be parked anywhere on residential premises not to exceed 24 hours during loading and unloading.

FERNANDINA BEACH

7.01.05 Specific Parking Restrictions for Commercial Vehicles, Recreational Vehicles, Boats, and Trailers

A. Prohibitions

Any commercial motor vehicle which has a gross vehicle weight of 8,000 pounds or more shall not be parked in any residential, commercial, wetland protection, or recreational district or area, except as otherwise provided in Section 7.01.05(B).

B. Exceptions

The prohibition in Section 7.01.05(A) shall not apply to parking of such vehicles in the specified districts or areas:

1. For the time required for normal loading and unloading of such vehicles; or
2. For the time required to perform the legally permitted service provided by such vehicles.

C. **Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles** regularly or periodically utilized for dwelling purposes shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles, when unoccupied, **may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.**

D. **Boats, boat trailers, utility trailers, and similar vehicles** shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. **Such vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.**

ST JOHNS COUNTY/PONTA VEDRA BEACH

Sec. 2.03.42 Recreational Vehicle/Boat Storage

All recreational vehicles, boats and utility trailers must be parked or stored in a required rear or side yard. (Exception: some Planned Unit Developments may have more or less restrictive requirements and within the Ponte Vedra Zoning District, recreational vehicles cannot be seen on property). No recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residential zoned lot or any other area not approved for such use.

ST AUGUSTINE

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

Sec. 28-337. - Parking, storage or use of major recreational equipment.

No major recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard, but not in required front yards and not within five (5) feet of any property line;** provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section the term "major recreational equipment" shall be as listed in [section 28-2](#), to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar type trucks or equipment.

Recreational vehicles and travel trailers may be used as temporary emergency residential units on private property or designated areas within the city based on a declared emergency and recovery order issued by the appropriate governmental agency; such as, the City of St. Augustine, St. Johns County, the State of Florida and the federal government in the event of a catastrophic event. This is for temporary emergency purposes only, during recovery and reconstruction phases per an emergency order for a declared emergency. Recreational vehicles and travel trailers on private property can only be used by the property owner as housing after a city building permit has been issued for the repair or (re)construction of the homeowner's storm damaged residence, subsequently the recreational vehicle or travel trailer must be removed upon the issuance of a certificate of completion to repair storm damage or the expiration of the building permit to repair the storm damage to the private property which contains the recreational vehicle or travel trailer or similar vehicle. Tent camping is not permitted as an emergency residential unit.