



Memorandum

To: Samantha D. Abell, City Manager
From: Craig S. Carmichael, Director of Community Services
Date: April 4, 2024
Subject: Ordinance No. 01-2024 Amending Land Development Code, C-2 Limited Commercial Zoning District Regulations

REQUEST:

That the City Council adopt Ordinance No. 01-2024 to amend Sections 21-176, 21-177, and 21-178 of Part II, Subpart B, Chapter 21, Article II, Division 9 of the City's Code of Ordinances— Land Development, to update and clarify the permitted uses, prohibited uses, and uses allowed as a special exception in the C-2 Limited Commercial Zoning District on Second Reading.

BACKGROUND:

Following a recent review of the City's zoning regulations for the C-2 Limited Commercial Zoning District, City staff determined that the uses permitted, prohibited uses, and the uses allowed as a special exception in this zoning district needed to be updated to modernize and clarify the uses. This district is very small with properties in between public and C-1 zoning properties in the commercial core (see attached map).

DISCUSSION:

On Monday, April 1, 2024, the City Council approved Ordinance No. 01-2024 on First Reading and set a Public Hearing and Second Reading for Monday, April 15, 2024.

The proposed ordinance will provide more flexibility in the uses of these properties, while at the same time maintaining the requirement for compatibility and maintenance of the character of the City's commercial core. The proposed ordinance would first amend the C-2 regulations to

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clarify that the prohibited “retail or wholesale merchandising or warehousing uses” are specifically “Stand-alone “big box” facilities, which are not compatible with the district. The amendments would also prohibit fast-food or drive-through restaurants, but remove “beauty shops, barbershops or stores” from the prohibited uses.

Finally, the proposed ordinance would amend the uses allowed as a special exception to allow apparel stores, personal service shops, home décor and furnishings, and limited-service eateries as among the “specialty retail shops” allowed unless those types of shops are prohibited by other provisions of the Land Development Code.

RECOMMENDATION:

That the City Council adopt Ordinance No. 01-2024 to amend sections 21-176, 21-177, and 21-178 of Part II, Subpart B, Chapter 21, Article II, Division 9 of the City’s Code of Ordinances - Land Development, to update and clarify the uses permitted, prohibited uses, and uses allowed as a special exception in the C-2 Limited Commercial Zoning District on Second Reading.

ATTACHED:

[Ordinance No. 01-2024 Amending C-2 Zoning District \(3\)](#)
[C2 Parcels](#)

ORDINANCE 01-2024

AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTIONS 21-176, 21-177, AND 21-178, OF PART II, SUBPART B, CHAPTER 21, ARTICLE II, DIVISION 9, OF THE CODE OF ORDINANCES - LAND DEVELOPMENT CODE, TO AMEND THE USES PERMITTED, PROHIBITED USES, AND USES ALLOWED AS A SPECIAL EXCEPTION IN THE C-2 LIMITED COMMERCIAL ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION AND CORRECTION OF SCRIVENOR'S ERRORS; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gulf Breeze Land Development Code is set forth in Part II, Subpart B, Chapter 21 of the City's Code of Ordinances; and

WHEREAS, Article II of the Land Development Code sets forth District Regulations, including provisions in Division 9 regulating the C-2 Limited Commercial Zoning District; and

WHEREAS, the City Council desires to update and clarify the uses permitted, prohibited uses, and uses allowed as a special exception in C-2 Limited Commercial Zoning District;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1. – RECITALS

The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

SECTION 2. – AMENDMENTS TO PART II, SUBPART B, CHAPTER 21, ARTICLE II, DIVISION 9, OF THE CODE OF ORDINANCES - LAND DEVELOPMENT CODE.

- A.** Words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text.
- B.** Section 21-176 of Part II, Subpart B, Chapter 21, Article II, Division 9, Land Development Code of the City of Gulf Breeze Code of Ordinances is hereby amended and restated to read as follows:

Sec. 21-176. Uses permitted.

Land and buildings within the C-2 limited commercial district shall be used for business offices and/or professional offices. The intent is to limit the use of buildings in a C-2 district to general types of occupancies as follows:

- (1) Real estate or mortgage loan offices.
- (2) Insurance agency.
- (3) Finance company.
- (4) Doctor's office and/or clinic.
- (5) Dentist's office and/or clinic.
- (6) Architectural planning or engineering office.
- (7) General business or professional offices.
- (8) Churches.
- (9) Banking facilities.

- C. Section 21-177 of Part II, Subpart B, Chapter 21, Article II, Division 9, Land Development Code of the City of Gulf Breeze Code of Ordinance is hereby amended and restated to read as follows:

Sec. 21-177. Prohibited uses.

The following uses or substantially similar uses shall be specifically prohibited from the C-2 district:

- (1) Stand-alone "big box" Retail or wholesale merchandising or warehousing.
- (2) Fast food or drive-through restaurants ~~Beauty shops, barbershops or stores.~~
- (3) Vehicle service stations.
- (4) Laundries or laundry pickup stations.
- (5) Hotels or motels.
- (6) Funeral homes.
- (7) Day nurseries or nursing homes.
- (8) Theaters.
- (9) Bowling alleys.
- (10) Repair shops.

- D. Section 21-178 of Part II, Subpart B, Chapter 21, Article II, Division 9, Land Development Code of the City of Gulf Breeze Code of Ordinances, is hereby amended and restated to read as follows:

Sec. 21-178. Uses allowed as a special exception.

Unless prohibited by other provisions of the Land Development Code, the ~~The~~ following uses and substantially similar uses shall be allowed ~~in a C-2 district~~ as a special exception in addition to the primary permitted use on land and in buildings in the C-2 district:

Specialty retail shops, such as apparel stores, personal service shops, home décor and furnishings, limited-service eateries, flower shops, bakery shops and gift shops where such shops are determined to be compatible with and enhance the general character of the district.

SECTION 3 – SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid, or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 4 – CONFLICT.

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance, resolution, policy, or portion thereof in conflict with the terms hereof.

SECTION 5 – CODIFICATION AND CORRECTION OF SCRIVENOR’S ERRORS.

It is the intention of the City Council that the provisions of this Ordinance shall be codified and that sections of this Ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager or their designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 6 - EFFECTIVE DATE.

This Ordinance shall become effective upon passing after the second reading by the City Council.

PASSED ON THE FIRST READING ON THE 1ST DAY OF APRIL, 2024.

ADVERTISED ON THE 4TH DAY OF APRIL, 2024.

PASSED ON THE SECOND READING ON THE 15TH DAY OF APRIL, 2024.

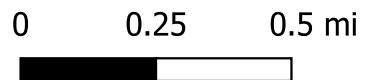
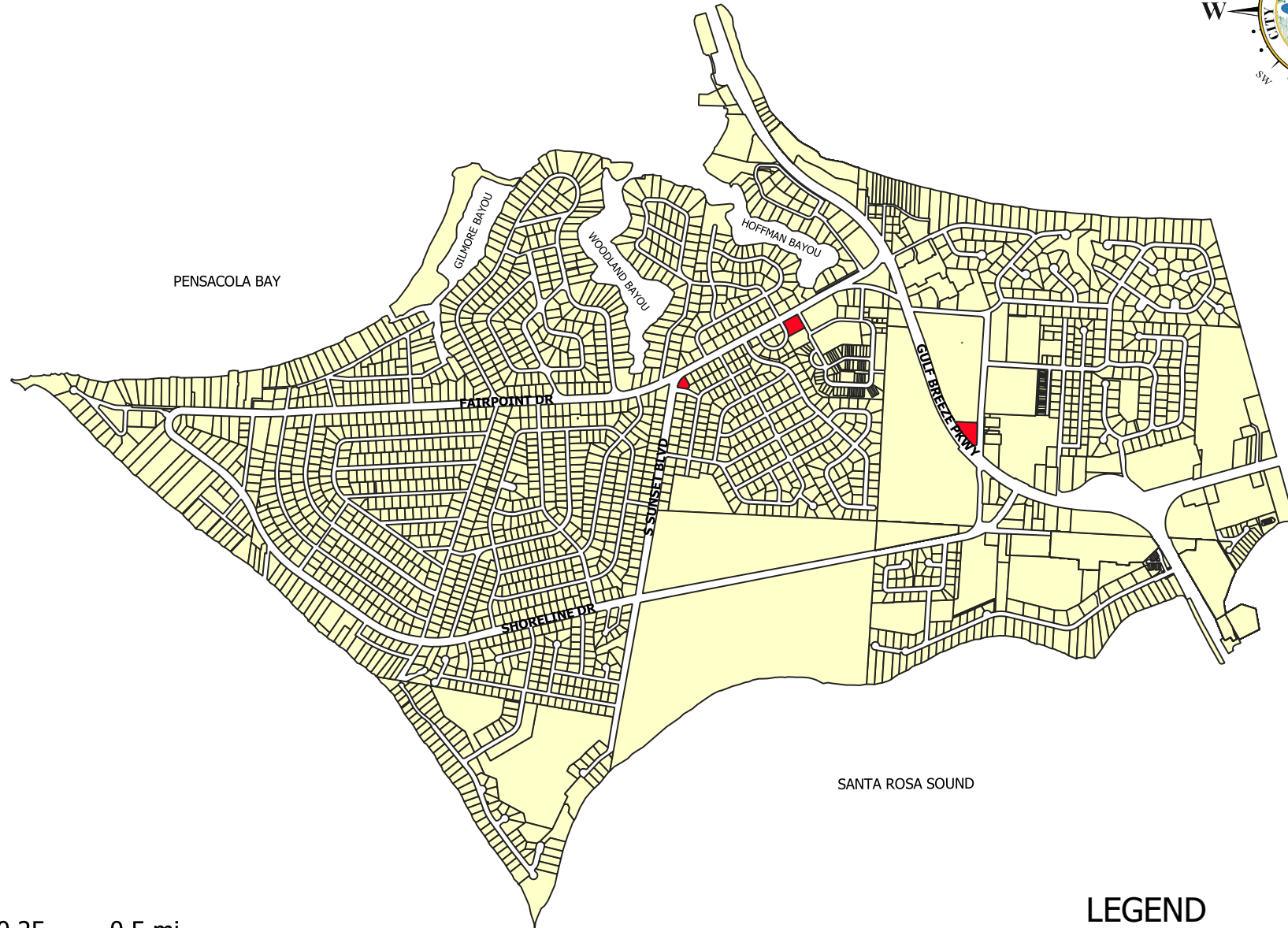
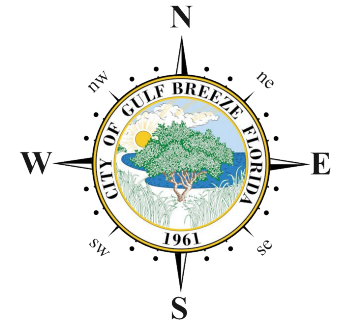
City of Gulf Breeze

By: _____
Cherry Fitch, Mayor



ATTESTED TO BY:

Leslie Guyer, CMC, City Clerk

C2 PARCEL MAP



LEGEND

-  Parcels
-  C2 Parcels - 2.35 Total Acres