

**ORDINANCE NO. 2018-8103**

**AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII, DIVISION 2. SECTION 34-347. REDEVELOPMENT DISTRICT: RD TO AFFIRM AND STATE THAT ARTICLE VI, DIVISION 3. ZONING ATLAS AND TEXT AMENDMENTS REGULATIONS ARE APPLICABLE TO THE REVIEW AND APPROVAL OF APPLICATIONS FOR REDEVELOPMENT DISTRICT: RD ZONING DESIGNATION, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE:**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

**WHEREAS**, Land Development Code Article VI. Division 3. Zoning Atlas and Code Amendments is intended to provide a means for changing the boundaries of the official zoning atlas; and

**WHEREAS**, an application to change the zoning designation of a parcel of land located in the Downtown Community Redevelopment District portion of the City of Jacksonville Beach from its present zoning designation to that of *Redevelopment District: RD* should be reviewed and approved or denied based on the standards and procedures applicable to all applications to change the boundaries of the official zoning atlas, and

**WHEREAS**, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and has presented its recommendation to the City Council;

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

**SECTION 1.** That Article VII, Division 2, Section 34-347 *Redevelopment District: RD* of the Land Development Code is hereby amended to incorporate reference to Article VI. Division 3. Zoning Atlas and Code Amendments regulations as follows<sup>1</sup>:

<sup>1</sup> (~~strikethrough~~ text indicates deletions, underline text indicates additions).

**Sec. 34-347. Redevelopment district: RD.**

(a) *Purpose and intent.* The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan.

(b) *RD zoning district boundaries.*

(1) *General.* The RD zoning district boundaries include all lands lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A-1-A), and Ninth Avenue North.

(2) *Subdistricts.* The boundaries of the RD zoning district may be further described by the following subdistricts:

a. *Downtown subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: First Avenue South, Third Street (State Route A1A), and Fifth Avenue North.

b. *North subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Fifth Avenue North, Third Street (State Route A1A), and Ninth Avenue North.

c. *South subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A1A), and First Avenue South.

(c) *Procedure.*

(1) *General overview.* Land that is not zoned RD but seeks to be rezoned to Redevelopment District: RD must comply with Article VI, Division 3 standards and must also receive approval of a preliminary development plan pursuant to the procedures and standards of this section. The preliminary development plan for an RD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of section 34-251 et seq.

(2) *Preapplication conference.*

- a. *Submission of application.* Before submitting an application for rezoning and preliminary development plan for RD zoning district classification, an applicant shall request in writing a preapplication conference with the planning and development director. Accompanying the request for a preapplication conference shall be an application in the form established by the planning and development director and made available to the public, and a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of the preapplication conference.
- b. *Scheduling of preapplication conference.* Within ten (10) working days after the planning and development director determines that the application is sufficient, a preapplication conference shall be scheduled with the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, such other city departments and, state or federal agencies that may be involved in the review and processing of the application. The applicant shall be notified in advance by the planning and development director about which other city departments, state and federal agencies will be involved in the preapplication conference and the time, date and place of the conference.
- c. *Preapplication conference issues.* At the preapplication conference, the planning and development director, the applicant, representatives of the Jacksonville Beach Community Redevelopment Agency, and the representatives from other city departments, state and federal agencies shall discuss the proposed development and the following issues as they relate to the application for an RD zoning district designation:
  1. The existing characteristics of the site proposed for development or redevelopment including but not limited to existing built land uses, vacant areas, land ownership and existing densities;
  2. The relationship between the proposed development, existing land uses, and surrounding land uses;
  3. The status of existing and proposed on-site streets, utilities or other public and private facilities to serve the proposed development;  
and
  4. The status of public facilities that would serve the proposed development, specifically as it relates to the CIE of the comprehensive plan;
- d. *Written summary.* Within ten (10) working days of the preapplication conference, the planning and development director shall provide the

applicant with a written summary of the preapplication conference. One (1) copy of this written summary shall be submitted by the applicant to the planning and development director at the time of submission of the application for development permit.

(3) *Preliminary development plan for an RD zoning district.*

- a. *Submission of application.* Following the preapplication conference, an application for rezoning and a preliminary development plan for RD zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.
- b. *Contents of application.* The rezoning and preliminary development plan application shall include the following information:
  1. The names, address, and telephone number of the owners of record of the land proposed for development.
  2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.
  3. The name, address and telephone number of the agent of the applicant, if there is an agent.
  4. The name, address, and telephone number of the all land use, environmental, engineering, economic, or other professionals that are assisting with the application.
  5. The name, address and legal description of the land on which the preliminary development plan is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.
  6. A copy of the relevant Duval County property assessment map, showing the exact location of the land proposed for development, with the boundaries already marked.
  7. An eight and one-half (8 1/2) by eleven (11) vicinity map locating the proposed land for development.
  8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The

statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.

9. A statement of the applicant's intentions with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.
  10. A description of the proposed development, including:
    - i. The number and type of residential dwelling units.
    - ii. The approximate gross density for the residential development.
    - iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
    - iv. Calculations showing the total lot coverage for building and accessory uses.
  11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.
  12. A tentative development schedule indicating:
    - i. The approximate date when construction of the development can be expected to begin.
    - ii. The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.
    - iii. The approximate date when each stage of development will be completed.
- c. Determination of sufficiency. The planning and development director shall determine if the application is sufficient within ten (10) working days after it is submitted.
1. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the

applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.

2. When the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this section.
- d. *Review and report.* On the day the application is determined sufficient, the planning and development director shall forward the application to the Jacksonville Beach Redevelopment Agency for its review and recommendation. Within twenty-five (25) working days after the receipt of the application, the Jacksonville Beach Redevelopment Agency shall review the application and prepare a report recommending approval, approval with conditions or denial, based on the standards in section 34-347(c)(3). The planning and development director shall mail a copy of the redevelopment agency report to the applicant on the day the report is completed, along with written notification of the time and place the application will be considered by the planning commission at a public hearing.
- e. *Public hearings.* The planning commission shall hold one (1) public hearing and the city council shall hold two (2) public hearings on a preliminary development plan for a RD zoning district classification when the amendment would affect five (5) percent or more of the total land area of the city. The second public hearing before the city council shall be held approximately two (2) weeks after the first public hearing. The day, time, and place at which the second city council public hearing will be held shall be announced at the first public hearing. The planning commission and the city council each shall hold at least one (1) public hearing on a proposed preliminary development plan for a RD zoning district when that amendment would affect less than five (5) percent of land in the city. The public hearings shall be held after 5:00 p.m. on a weekday.
- f. *Notice.* The planning and development director shall provide notice of the public hearings pursuant to the requirements of section 34-154(b).
- g. *Action by planning commission.* The planning commission public hearing on the application shall be conducted pursuant to the procedures in section 34-151 et seq. At the public hearing, the planning commission shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, comments of the applicant and city staff, and public testimony. After close of the public hearing, the planning commission shall recommend to the city council approval, approval with conditions, or denial of the requested rezoning and preliminary

development plan for the RD zoning district classification. In reviewing and making a recommendation, the planning commission shall apply the standards in section 34-211 governing rezonings.

- h. *Action by the city council.*
  - 1. *Scheduling of public hearing.* Upon notification of the recommendation of the planning commission, the application and recommendation shall be forwarded to the city council for the scheduling of a public hearing at the first available regularly scheduled meeting by which time the public notice requirements can be satisfied, or such time as it is mutually agreed upon by the applicant and planning and development director.
  - 2. *Decision.* At the public hearing, the city council shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, the recommendation of the planning commission, and comments of the applicant and city staff. After the close of the public hearing, the city council shall approve, approve with conditions, or deny the rezoning application and preliminary development plan pursuant to the standards in section 34-211.
- i. *Standards.* A preliminary development plan for a RD zoning district designation shall comply with the following standards:
  - 1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
  - 2. *Permitted uses.*
    - i. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.
    - ii. The following uses are specifically prohibited:
      - a) Manufacturing, except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
      - b) Outdoor storage yards of any kind, including junk

yards.

- c) Wholesale trade, warehouse, and distribution establishments.
  - d) Cemeteries.
  - e) Mobile home parks.
  - f) Motor vehicle repair, services, and garages.
  - g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
  - h) Petroleum and petroleum products receiving, storage/and distribution.
  - i) Veterinary services and kennels.
  - j) Recreational vehicle or travel trailer parks.
  - k) Commercial and industrial laundries.
  - l) Cold storage and ice processing plants.
  - m) Contract construction establishments.
  - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
5. *Traffic circulation control and parking.*

- i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
  - ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.
8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and

policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.

11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
  12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.
  13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.
- j. *Conditions.* The Jacksonville Beach Redevelopment Agency and the planning commission shall have the authority to recommend, and the city council shall have the authority to impose such conditions on a preliminary development plan for an RD zoning district designation that are necessary to accomplish the purposes of this section, this code, and the comprehensive plan.
- k. *Effect of development order for an RD zoning district designation.* Issuance of a development order for RD zoning district classification shall constitute an amendment to the official zoning map to RD zoning district. It shall also be deemed to authorize the applicant to submit to the planning and development director an application for development permit for the approved preliminary RD development plan pursuant to section 34-251 et seq. No development plan shall be accepted for review and consideration unless the RD zoning district classification and preliminary RD development plan have been approved and remain valid and in effect.
- l. *Recordation.* The adopted Redevelopment District: RD ordinance shall be recorded in the office of the Duval County Clerk, and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the adopted preliminary RD development plan. Failure on the part of the applicant to record the Redevelopment District: RD ordinance within a period of one hundred eighty (180) days following its adoption by the city council shall render the plan invalid.
- m. *Time limitations.* Receipt of a development order for an RD zoning district

classification shall expire at the end of one (1) year after the date of its initial approval unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one-year extension shall be granted for an RD zoning district classification by the city council, upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days before the date that the development order is to expire. Failure to submit an application for a final development plan within the time limits established by this section shall render null and void the development order for the preliminary development plan and RD zoning district classification.

n. *Minor deviation to preliminary development plan for an RD zoning district designation.* A minor deviation may be made from the preliminary development plan upon written approval of the planning and development director. Minor deviations which shall be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development that are not reasonably anticipated during the initial approval process, and shall be limited to the following:

1. Alteration of the location of any road or walkway by not more than five (5) feet;
2. Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
3. Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
4. Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.

o. *Amendments to preliminary development plan.* A preliminary development plan may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this section.

(4) *Development plan.* An application for a development plan shall be submitted within one (1) year of receipt of a development order for RD zoning district classification, or the development order shall become immediately void.

**SECTION 2.** That this ordinance shall take effect upon its adoption by the City Council.

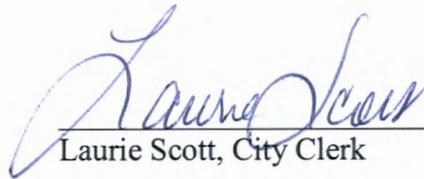
**SECTION 3.** That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS 19<sup>th</sup> DAY OF February, A.D., 2018.



William C. Latham, Mayor



Laurie Scott, City Clerk