



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, October 22, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Georgette Dumont, Britton Sanders, Margo Moehring
Alternates: Jon Walker, Bill Spann
3. **Approval of Minutes:** July 23, 2018, August 13, 2018, August 27, 2018 and September 24, 2018
4. **Correspondence:** None
5. **Old Business:** *Approval Clarification*

(A) **PC#20-18 11 North 3rd Street**

Land Development Code Text Amendment amending the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII of Chapter 34, Land Development Code, of the Code of Ordinances for the City of Jacksonville Beach. *(Deferred from 9/24/18 meeting for approval clarification only)*

6. **New Business:**

(A) **Rules of Procedures Adoption.**

7. **Planning Department Report:**

(A) The next meeting is tentatively scheduled for Tuesday, November 13, 2018.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

**Minutes of Planning Commission Meeting
Held Monday, July 23, 2018, at 7:15 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:15 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton
Board Members: David Dahl (*absent*) Georgette Dumont Britton Sanders
Alternates: Jason Lee (*absent*) Margo Moehring

Also present were Senior Planner Heather Ireland and Staff Assistant Mandy Murnane.

Approval of Minutes

It was moved by Mr. Sutton, and passed unanimously, to approve the following minutes:

- June 11, 2018
- June 25, 2018

Correspondence

Ms. Ireland reported there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC#19-18 Conditional Use Application

Owner: 2415 3rd Street South, LLC
1283 Ponte Vedra Blvd
Ponte Vedra Beach, FL 32082

Applicant: Cara Burky
2457 3rd Street South
Jacksonville Beach, FL 32250

Location: 2457 3rd Street South (*Blue Jay Listening Room*)

Conditional Use Approval for the continuation of an approved drinking establishment, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(3) of the Jacksonville Beach Land Development Code. (*Blue Jay Listening Room*)

Staff Report:

Ms. Ireland read the following into the record:

The applicant is currently leasing commercial space located at 2415 S. 3rd Street (Suite 2457) for her business, the *Blue Jay Listening Room*. The subject location is in the Costa Verde Plaza Shopping Center, located in a *Commercial, limited: C-1* zoning district. The applicant's business is a live acoustic music venue with beer and wine sales. The applicant received conditional use approval for a drinking establishment originally under PC#26-16 in July 2016. Approval of PC#26-16 included the conditions of limited hours of operation (5:00 pm to 11:00 pm) and an expiration of 12 months following the date of approval.

The applicant re-applied for conditional use approval, per the conditions of PC#26-16, in July 2017 and received approval with an amendment to the hours of operation based on the applicant's request. The hours of operation condition under PC#34-17 were 11:00 am to 11:00 pm. Since the business had not yet opened at the time of the second application in 2017, an additional condition of approval was an expiration of 12 months following the date of that approval.

Twelve months have passed since the second approval, and the applicant is requesting continuation of the already approved drinking establishment. The applicant is also requesting the removal of the condition for limited hours of operation. The applicant has been in operation since August of 2017. There have been no documented complaints or issues with the applicant's business since opening.

Adjacent uses include commercial to the west across 3rd Street South, a gas station and single-family residential to the south across 25th Avenue South, and multiple-family condominiums to the east and across a retention pond to the north. Adjacent uses in the balance of the shopping center include a restaurant, retail, personal and business services, and miscellaneous medical offices. Given the type of music events and the absence of any issues or complaints, the continued operation of the business at this location should not negatively impact neighboring properties.

Public Hearing:

Applicant:

Cara Burky stated there had been no documented noise complaints regarding her business. Ms. Burky offered screenshots and customer reviews of Blue Jay Listening Room. She stated that extending Blue Jay Listening Room's business hours will add to the overall profitability of Jacksonville Beach.

Board Member Greg Sutton stated there were only four people present on board, therefore if there is a tie vote then the request is denied, and gave Ms. Burky the option to withdraw her request. The applicant declined to withdraw.

Randall Holland of Ocean's Edge Condominiums spoke in support of the application.

Brice Brown of Jacksonville Florida spoke in support of the application.

Mr. Sutton closed the public meeting.

Discussion:

Ms. Dumont stated that one year ago, this conditional use was approved with a one-year expiration to see how it would impact Ocean's Edge residents, area parking and compliance with the new sound ordinance.

Motion: It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve full application with no limitation on hours and Ms. Burky is not required to come before the Board again.

Roll call vote: Ayes - Georgette Dumont, Britton Sanders, Margo Moehring and Greg Sutton.
The motion passed unanimously.

PC#20-18 Land Development Code Text Amendment

Applicant: Planning and Development Department
 11 North 3rd Street
 Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment Approval** to amend the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII of Chapter 34, *Land Development Code*.

Staff Report: Ms. Ireland read the following into the record:

Periodically, the text of the Land Development Code (LDC) must be reviewed and amended to address needed and/or desired updates and improvements. In 2001, the Land Development Code was amended in this manner under Ordinance No. 2001-7810. Changes included text amendments to Articles I, II, IV, VI, VII, VIII, IX, and X, and XII. Since then, minor changes have been made to the LDC over the last 17 years as needed or requested by an applicant. The staff has been assembling the most recent package of required/desired changes over the last several years and has developed a list of amendments for consideration. These proposed amendments are attached to the Land Development Code Text Amendment Application. Changes are proposed to Articles II, IV, V, VI, VII, and VIII of Chapter 34 of the City of Jacksonville Beach Code of Ordinances.

Applicant: Planning and Development Director Bill Mann, 11 North 3rd Street. Jacksonville Beach, FL 32250

Amendments to the application: Page 4 - 12 were distributed due to a small change.

Article II – Interpretation – Requests in writing for Mr. Mann’s interpretation will not go to the board adjustment, but at Mr. Mann’s recommendation, requests will go directly to the Circuit Court of Duval County, Florida.

Article IV - Definitions

Artwork – Proposes not limiting murals to only 25% of the exterior walls of buildings.

Carport – Structure with a minimum of two sides.

Driveway – Provide a definition for clarification.

Lot of Record – Provide a definition

Shopping Center – Two or more businesses sharing common offsite parking lot. Propose to update to three businesses.

Standing - Party must demonstrate reasonable interest or standing on a matter.

Walkway – Provide a definition for clarification.

Article V.

Board of Adjustment alternates have a separate term of two years, while members have a term of four years, which makes it hard to get alternates on the Board. Propose changing alternates’ term to four years instead of two.

Article VI.

General applicability – Proposing to remove the requirement for a recommendation from staff on applications for development permit, and replace it with staff report.

Clerical errors are being corrected in Section **34-177** and Section **34-179**.

Section 34-207 - Proposing to remove the requirement for a recommendation from staff on applications for zoning changes and code amendments, and replace it with staff report. Additionally, propose to remove the deadline a staff report will be provided to the applicant.

Section 34-222 - Add that variances for relief from building height, residential density, or minimum lot area requirements are not permitted.

Article VII. Zoning Districts - Proposes changes within each zoning district. Mr. Mann stated a request of City Manager was that “Essential public services” be changed from conditional uses to permitted uses in single- and multiple-family residential zoning districts. Essential public services means the erection, construction, alteration or maintenance of underground, surface or overhead utility installations of water, sewer, gas, telephone and electrical systems and the equipment of pertinence such as substations and lift stations for such stations necessary to furnish an adequate level of service.

Mr. Mann stated the possible reason for this is city systems are essentially built out.

Additionally, it is proposed to add as a permitted use Single-family dwellings, built to RS-3 standards, in RM-1 and RM-2 zoning districts.

In Central Business District: CBD zoning, add that multiple family dwellings are subject to the site design and lot layout standards and subject to the maximum density limitations of RM-2 zoning.

Correct a typo in section 34-346 (d)(3).

Article VIII

Wheel Strips - Add a standard for wheel strips as parking areas. The outside edges must be 7 feet apart as measured from the outside edge.

Bicycle Parking – Add that one designated space for bicycle parking may be provided if more than 10 parking spaces exist.

Parking Area Setbacks – Driveways are to be included in parking area set-backs, except as required to allow vehicular access to and from paved street.

Construction Standards – Access to required parking from a paved street must be paved.

Supplemental Standards – Air conditioning compressors can be located in a side yard as long as the side yard setback is 7.5 feet wide or more.

Walkways – Can connect to a primary or detached accessory structure or driveway and public sidewalk, and may be located in a front, side, or rear yard with a minimum setback of 3 feet from any side property line.

Pools – Updated reference to reflect the Florida Building Code.

Corner Visibility – Changing “street” to “right-of-way”.

Home Occupations – Home addresses cannot be used to advertise a home businesses in print, on websites or social media.

Prohibited Signs – Prohibit signs on fences or perimeter walls or properties.

Section 34-452- Change “Division IV” to “this division” and other clarification changes.

Article IX - Subdivision Standards

Section 34-503 - Correction of a typographical error.

Section 34-504 – Change “development order” to “development plan”.

Final Plat – Amended to 5 copies of final plat from 10 copies.

Discussion:

Provide an example of page 1, “interpretation”. Mann clarified that it is “a request for interpretation” or a more educated answer.

Corrections:

Section 34-41 – Shopping Center definition. “Retails” and “services” should not be plural. Change “that” to “which.”

Section 34-155(2)b – Change “recommendations” to “report”, and remove “if relevant” in the last sentence.

Section 34-373 Design Standards - Accept as required to allow vehicular access.

Section 34-444 – Prohibited signs – Board member asked if Mr. Mann had done any research on the businesses this will impact? Mr. Mann responded he had not at this time and the intent is directed to residential properties.

Section 34-207 – There is concern with the wording – “Planning and Development Director will mail a copy of the staff report to the applicant on the day the staff report is completed”. Suggested changing this to a more reasonable time frame.

Essential Public Services – There is concern about a water well station near property impacting home values. Services 95% built out. How many sites does the city have where city can put well in Mr. Mann stated it must be near raw water main. Board member concerned about taking neighborhoods rights away to say where it is placed. Mr. Mann responded by acknowledging concern.

Public Hearing:

In support of:

James Sorrell, 1410 Pinewood Road, Jacksonville Beach, FL 32250.

Tony Komarek, 533 11th Avenue South, Jacksonville Beach 32250.

Mary Phillips, 934 10th Street North, Jacksonville Beach, FL 32250.

Joseph Loretto, 1887 Green Heron Court, Jacksonville Beach, FL, 931st 1st Avenue South BOA Member from 2007-2017 and works for Genesis Group. Mostly in support.

Alexander Sifikas, 340 8th Street Atlantic Beach, FL 32233. Mostly in support.

Richard Briggs – 8181 Ladoga Avenue, Jacksonville, FL 32207 American Classic Homes. (Uncertain what his position is)

In opposition of:

John Atkins – 286 South 1st Street, Jacksonville Beach, FL 32250, Builder, and Developer.

Mr. Sutton closed the public hearing.

Discussion:

Mr. Mann references City of Jacksonville Beach study seven years prior, where lot coverage was recommended to be 45% and was declined by the City Council. Developers are focusing on one product type they cannot build. Welcomes developers and residents to file privately sponsored recommendations or sit down and come to a “meeting of the minds.” Mr. Mann is proceeding with all recommendations. Recommendation going to the City Council for review, Planning Commission does not have the final vote.

Board member wants to know the basis for lot coverage? Mr. Mann stated primarily for drainage, secondarily for aesthetics. Board member questions townhouses at 65% lot coverage bringing down for maximum units from six to four. Mr. Mann confirms he did not point out in RM-1 when the amendment was stated earlier amend standard from six to four to make a smaller building.

Board member makes a statement those opposed regarding driveways, property lines and setbacks only applies to fee simple? Mr. Mann confirms only applies to fee simple property lines. Board member stated with the steady increase in fee simple applications, what are long-term implications? Mr. Mann says there is no difference. He does not have anything further to add currently and directs her to developers.

Motion: It was moved by Ms. Dumont to approve amendments as written, no second.

The application will be deferred to the August 27, 2018 Planning Commission Meeting.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for August 13, 2018.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:45 P.M.

Submitted by: Selena Hodge
Administrative Assistant

Approval:

Chairman

Date

**Minutes of Planning Commission Meeting
Held Monday, August 13, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton

Board Members: David Dahl (absent) Georgette Dumont Britton Sanders

Alternates: Jason Lee (absent) Margo Moehring

Also present was Senior Planner Heather Ireland.

Approval of Minutes

None

Correspondence

None

Old Business

There was no old business.

New Business

- (A) **PC#21-18** Comprehensive Plan Text Amendment

Comprehensive Plan Text Amendment proposing a text amendment to the adopted *2030 Comprehensive Plan*, amending elements for the purpose of incorporating and adopting by reference, the 10-year *Water Supply Facilities Work Plan*, into the Comprehensive Plan.

Staff Report:

Ms. Ireland read the following into the record:

In 2005, the Florida Legislature added requirements for water supply planning to Florida Statutes, Chapter 163, Part II, and Chapter 373, relating to Growth Management. Water supply assessments completed in 2010 identified the need to develop a Regional Water Supply Plan. Subsequently, the St. Johns River Water Management District and the Suwannee River Water Management District engaged in a collaborative public process to develop the *North Florida Regional Water Supply Plan (Plan) 2015-2035*. The Plan was approved by both Districts' Governing Boards in January of 2017. The Plan encompasses Duval County, and as such, the City of Jacksonville Beach, and addresses water supply

issues of the region, and provides a framework to meet water needs of the area through 2035.

Florida Statutes Chapter 163 also requires local governments to prepare and adopt a Water Supply Facilities Work Plan (Work Plan) into their comprehensive plans after final approval of the adoption of a regional water supply plan or update of an existing Plan. The Work Plan must cover at least a 10-year planning period and identify water supply facilities, water supply projects, and conservation and reuse activities needed to meet the projected future water demands of the community. The Planning and Development Department, with assistance from the Public Works Water Plant Division, prepared the required Work Plan to transmit to the State for review and approval. In addition to the Work Plan, amended and new Comprehensive Plan policies have been prepared as required to support this effort.

The City's Work Plan consists of a brief history of water supply planning, background information on the *North Florida Regional Water Supply Plan*, details on City water supply facilities, historic and projected future water demand, water conservation and reuse efforts, and future proposed capital improvement projects related to water supply. The Work Plan data and analysis demonstrates that water supply sources and infrastructure are adequate to serve the water supply needs of the City for the 10-year planning period. This is based on projected demand due to small population increases related to the City's permitted water supply capacity. A copy of the Work Plan has been provided in the agenda packets.

In addition to the required Work Plan, proposed Comprehensive Plan amendments have been prepared to address the statutory requirements for local water supply planning. These proposed amendments are provided in the agenda packets. Staff has determined that the proposed comprehensive plan amendments adequately address Florida Statutes regarding water supply planning. The proposed amendments are also internally consistent with the balance of the adopted Comprehensive Plan. The Work Plan is proposed to be adopted by reference in the Comprehensive Plan, as provided, and will be updated periodically, as required by Florida Statutes.

Public Hearing:

There was no one from the public present to speak about the amendment.

Mr. Sutton closed the public meeting.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Mr. Sanders and seconded by Ms. Dumont, to approve the Comprehensive Plan Text Amendment.

Roll call vote: Ayes- Georgette Dumont, Britton Sanders, Margo Moehring, and Greg Sutton.

The motion passed unanimously.

(B) PC#22-18 115 1st Street South

Conditional Use Application for a single-family residential dwelling, located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(9) of Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the east side of 1st Street South between 1st and 2nd Avenues South and exists as a single-family residential dwelling, built in 1948. The owner wants to demolish the existing house, and rebuild a new, larger single-family residential structure on the same footprint as the existing building. The owner was advised by staff that conditional use approval would be required to rebuild the existing single-family dwelling. The Land Development Code was recently amended to include single-family dwellings as a conditional use in the *Central Business District: CBD* zoning district.

Adjacent uses are single-family directly to the east, vacant property to the north, multiple-family residential to the south, and single and multiple-family residential to the west across 1st Street South. The continued use of a single-family dwelling on the subject property should not negatively impact adjacent properties and is consistent with the mixed-use character of the area. The owner will continue to allow access via an easement from 1st Street South to the neighbor to the immediate east of the subject property.

Applicant: Ben Chrisman of 115 1st Street South, Jacksonville Beach, FL 32250 was present

Public Hearing:

There was no one from the public present to speak about the application.

Mr. Sutton closed the public hearing.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve the Conditional Use Application.

Roll call vote: Ayes- Georgette Dumont, Britton Sanders, Margo Moehring, and Greg Sutton

The motion was approved unanimously.

(C) PC#23-18 1737 3rd Street North

Conditional Use Application for the transfer of an approved automotive repair establishment, located in a *Commercial limited: C-1* zoning district, pursuant to Section 34-342(d)(6) of the Jacksonville Beach Land Development Code (former *Pep Boys*)

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southeast corner of North 3rd Street and 17th Avenue North. The previous commercial tenant was a Pep Boys automotive repair business that obtained conditional use approval in 2012 via PC#28-12. Since automotive repair is a conditional use in *C-1* zoning districts, and conditional uses are nontransferable, the applicant was advised by staff that they would need to apply to transfer the approval into their name.

Adjacent uses include multiple-family to the east, a vacant commercial lot to the south, a commercial shopping center to the west across 3rd Street, and an office building to the north across 17th Avenue North. Given that the proposed use of the property is essentially a continuation of a use which pre-dates much of the surrounding development (*Goodyear* from 1965-2012), that there have been no records of significant problems with the operation of the former auto repair businesses, and that the new business will maintain the subject property in a presentable condition, there should be no change to the character of the surrounding neighborhood. Adjacent properties should not be negatively impacted.

Applicant:

Joe Loretta, Genesis Group (Agent) 6621 Southpoint Drive N, Suite 300, Jacksonville, FL 32216, was present.

Public Hearing:

There was no one from the public present to speak about the application

Mr. Sutton closed the public hearing.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve the Conditional Use Application.

Roll call vote: Ayes - Georgette Dumont, Britton Sanders, Margo Moehring, and Greg Sutton

The motion was approved unanimously.

(D) PC#24-18

Land Development Code Text Amendment Approval to amend Section 34-346(b) to add "Tour Operators" to the list of Permitted Uses in *Industrial: I-1* zoning districts, (applicant – *Go Tuk'n*).

Staff Report:

Ms. Ireland read the following into the record:

The applicant is planning on leasing a warehouse tenant space at 1250 Shetter Avenue for their proposed business, *Go Tuk'n*. The proposed location is in an *Industrial: I-1* zoning district. The applicant's business is a tour operator, providing a variety of tours to residents and visitors of the beaches area. The building space would be used for the tour operator's office and for indoor

storage of the business's tour vehicles. The applicant was advised by staff that tour operators are not currently listed as a permitted use in any zoning district and that she would have to apply to amend the Land Development Code in order to allow the use. The proposed text amendment would add tour operators to the list of permitted uses in *I-1* zoning districts.

Currently, general warehousing and storage, trucking and courier services, and business and professional office are permitted uses in *Industrial: I-1* zoning districts. However, "tour operators," which are generally similar type uses, but which fall under a different SIC code, are not listed. Considering the other uses already permitted in *I-1* zoning districts, staff feels that this use would be non-problematic in *I-1* zoning districts.

Applicant: Stephanie Dale, 901 Ocean Blvd, Unit 903, Atlantic Beach, FL 32233, was present.

Ms. Dale stated her business would be the first of its kind in the state of Florida. She stated it would help take advantage of tourism in the area. Ms. Dale stated she already has an existing travel agency in Jacksonville Beach and both businesses would run out of the same office, and each business would benefit from one another.

Ms. Dale stated Tuks (or Tuk-Tuks) are primarily used in other countries. Tuks are 100% electric and are six-passenger vehicles.

Public Hearing:

Mr. Cerqueira, the property owner, spoke in support of the proposed business.

Mr. Sutton closed the public hearing.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Mr. Sanders and seconded by Ms. Dumont, to approve the Land Development Code Text Amendment.

Roll call vote: Ayes - Britton Sanders, Georgette Dumont, Margo Moehring, and Greg Sutton

The motion was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for August 27, 2018.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:30 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

Chairman

Date

**Minutes of Planning Commission Meeting
Held Monday, August 27, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Board Member Greg Sutton.

Roll Call

Chairman: Greg Sutton
Board Members: David Dahl Georgette Dumont Britton Sanders
Alternates: Jason Lee (*absent*) Margo Moehring

Also present were Senior Planner Heather Ireland and Director of Planning and Development Bill Mann.

Approval of Minutes

None

Correspondence

There was no correspondence.

Mr. Sutton requested PC#25-18 be heard first. A voice vote was made and passed unanimously.

New Business

(A) PC#25-18 826 North 4th Street

Conditional Use Approval for a single-family residential dwelling located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southwest corner of 4th Street North, and 8th Avenue North and is owned by Beaches United Methodist Church. The single-family residential building constructed in 1946 had previously been used by the church for offices. The church now plans to renovate the building and use it as a residential structure for interns. The applicant was advised by staff that the change in use from office to single-family residential would require conditional use approval.

Adjacent uses include the church to the east across 4th Street, contiguous church property to the south and west in the balance of the block, along with and one single-family dwelling to the west, and single- and multi-family residential to the north across 8th Avenue North. The conversion of the building from office to single-family residential should not negatively impact adjacent properties and is consistent with the mixed-use character of the area.

Owner/Applicant: A Representative from Beach United Methodist Church, Inc was present, 325 7th Avenue North, Jacksonville Beach, FL 32250

Mr. Carey Sumner, Executive Pastor at Beaches United Methodist Church, stated the goal would be to renovate the property and use it as its original use as residential property. The property is currently being used for office space.

Mr. Sutton asked about the status of the building to the south of the property being discussed. Mr. Sumner stated it also is used as a single family residential property for meeting rooms and a place for mission trip groups to stay while working on projects in the area,

Public Hearing:

No one wished to speak in favor or in opposition to the agenda item.

Mr. Sutton closed the public meeting.

Discussion:

There was no discussion on the agenda item.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve the Conditional Use Application.

Roll call vote: Ayes- David Dahl, Georgette Dumont, Britton Sanders, Margo Moehring, and Greg Sutton.
The motion passed unanimously.

Old Business

(A) PC#20-18 11 North 3rd Street

Land Development Code Text Amendment Approval to amend the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII of Chapter 34, *Land Development Code*.

Staff Report:

Ms. Ireland read the following into the record:

Periodically, the text of the Land Development Code (LDC) must be reviewed and amended to address needed and/or desired updates and improvements. In 2001, the LDC was amended in this manner under Ordinance No. 2001-7810. Articles included text amendments to Articles I, II, IV, V, VII, VIII, IX, and X, and XII. Since then, minor changes have been made to the LDC over the last 17 years as needed or requested by an applicant. The staff has been assembling the most recent package of required/desired changes over the last several years and has developed a list of amendments for consideration. These proposed amendments are attached to the Land Development Code Text Amendment Application. Changes are proposed to Articles II, IV, V, VI, VII, and VIII of Chapter 34 of the City of Jacksonville Beach Code of Ordinances.

At the July 23, 2018, Planning Commission meeting, the application was deferred following the advertised public hearing to allow additional time for review and discussion of the proposed changes. The Planning and Development Director will discuss comments and questions provided at and following the July 23, 2018, public hearing.

Applicant: Planning and Development Department
11 North 3rd Street, Jacksonville Beach, FL 32250

Public Hearing:

Conversation ensued as Director of Planning and Development Bill Mann addressed the Land Development Code Text Amendment amending the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII, Chapter 34, *Land Development Code*, of the Code of Ordinances for the City of Jacksonville Beach. (*Continuation from 8/13/18 meeting*)

Mr. Dahl stated he had ex-parte communication with John Adkins and Alex Sifakis.

Ms. Dumont made grammatical suggestions and asked for clarification regarding some of the changes.

Ms. Moehring stated she spoke with Mr. Sifakis, Mr. Atkins and received an email from Mr. Loretta.

Ms. Moehring suggested the townhouse dwellings section of the residential code should be reviewed and updated to better meet the City's current residential situation.

Ms. Moehring suggested opening the floor for public comments. Mr. Sutton opened the floor for public comments.

The following individuals spoke in favor of the agenda item:

- Tony Komarek, 533 11th Ave S., Jacksonville Beach, FL 32250
- Alexander Sifakis, 340 8th Street, Atlantic Beach, FL 32233 (referenced a handout provided to the Board)
- Willie McLaurin, 102 South 11th Street, Jacksonville Beach, FL 32250

The following individuals did not wish to address the Board but are in favor of the agenda item:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, FL 32250

The following individual spoke in opposition to the agenda item:

- John Atkins, 786 2nd Street North, Jacksonville Beach, FL 32250
- Jessie Spradley, 420 7th Street North, Jacksonville Beach, FL 32250

Mr. Sutton closed the public meeting.

Mr. Mann stated he could not comment on most of the comments from the public due to active litigation.

Discussion:

Conversation ensued between Ms. Dumont and Mr. Mann regarding the definitions of an apartment compared to a condo, and the definition of a townhouse.

Conversation ensued between Mr. Mann and the Board Members regarding additional text amendments regarding parking area setbacks.

Mr. Mann stated the Planning Commission's decision on the Land Development Code Text Amendment is a recommendation to the City Council.

Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve the Land Development Code Text Amendment with the following amendments/changes:

- Amend section 34-207 to allow five business days for the Planning Department to notify the applicant of hearing
- Amend section 339-4(g) any townhome as currently constructed be grandfathered in to be rebuilt (if destroyed) in the same manner as originally approved

Ms. Moehring stated her concerns regarding the residential parking area set-back section and type of ownership which may change community character. Ms. Moehring also stated she has concerns regarding changing the maximum number of units from six to four.

Mr. Dahl stated he has concerns with the parking set-backs and the developers having to take drainage into consideration and be approved by Public Works. He stated he would like language added to allow for interior lot lines.

Amended Motion: It was moved by Ms. Dumont and seconded by Mr. Dahl, to include the following amendment/change to the original Motion

- Amend Section 34-373(d) (after the comma) to read: "or the interior lot line of two family dwellings or townhomes."

Roll call vote: Ayes- Georgette Dumont, Britton Sanders, and Greg Sutton.
Nays: David Dahl and Margo Moehring
The motion passed by a 3-2 vote.

PLANNING & DEVELOPMENT DIRECTOR'S REPORT

Ms. Ireland noted there would be no meetings for September.

ADJOURNMENT

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:22 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

Chairman:

Date:

**Minutes of Planning Commission Meeting
Held Monday, September 24, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Planning Commission Member Greg Sutton.

Roll Call

Chairman: Greg Sutton
Vice-Chairman: David Dahl
Board Members: Georgette Dumont, Britton Sanders (*absent*)
Alternates: Margo Moehring

Also present was Director of Planning and Development Bill Man.

Approval of Minutes *None*

Correspondence *None*

Old Business

(A) **PC#20-18** 11 North 3rd Street

Land Development Code Text Amendment amending the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII of Chapter 34, Land Development Code, of the Code of Ordinances for the City of Jacksonville Beach. (*Continuation of application*)

Discussion:

Conversation ensued between Mr. Sutton and Mr. Mann regarding the purpose of this meeting, which was to clarify a motion previously made for PC# 20-18. Mr. Mann explained he prefers to conduct the meeting with the five original voting Planning Commission members all present.

Motion: It was moved by Mr. Dahl, and seconded by Ms. Dumont, to postpone this matter until all five original voting Planning Commission members are present.

Prior to roll call, Mr. Sutton emphasized that public hearing and testimony for the corresponding case is closed, and all those that have filled speaker cards on this day will not be able to speak. Mr. Mann added that the proposed LDC text amendments will be presented before the City Council for approval in two public hearings, as Council members will conclusively vote on this matter, and those that wish to speak about this case can do so at either of the Council meetings.

Roll call vote: Ayes - David Dahl, Greg Sutton, Georgette Dumont, and Margo Moehring.

The motion was approved unanimously.

New Business

Mr. Mann explained it is important for the Planning Commission to consider formal procedures that include a proposed set of guidelines, and he introduced Denise May from the City Attorney's Office to help introduce them. These procedures would have to be approved by the Commission, and they will be included as an agenda item in an upcoming meeting.

Mr. Dahl emphasized that each member is responsible for reporting any future absences, and it is not appropriate to put the burden on Mr. Mann to contact the members prior to meetings and inquire this information. Discussion ensued regarding the latest motion that was contested informally after the meeting, which Mr. Mann referred to as the reason for his introduction of the proposed formal meeting procedures.

Mr. Sutton mentioned he received a voicemail from Leah Hudson in regards to the proposed LDC text amendment. Ms. Moehring mentioned she also received a voicemail from Ms. Hudson and an email and voicemail from Mr. Safakis. Ms. Dumont stated she received a phone call from Ms. Hudson and helped clarify the agenda item to her. Mr. Dahl also stated he received the same type of phone call as Ms. Dumont's.

Ms. May introduced herself before the Commission and explained her reasoning for proposing the procedures. She brought attention to Robert's Rules Procedures and added, with respect to Sunshine Law, they were used to the extent that they can be in making her changes. The discussed procedures include what the powers and duties of each member are under the code, in addition to further clarifications on Administrative Rules and Procedures, which include:

- Any Ex-parte Communication must be forwarded to the City Clerk for the maintaining of Public Records.
- Since the Planning Commission is a quasi-judicial body in which evidence, testimonies, and experts are often utilized, all testimonies should happen under oath.
- If few persons are to testify, then they must be individually put under oath; if numerous audience members are to testify, then the process can be done holistically where they all stand and state their oath, then confirm that they did individually when they speak.
- Commission members must explain what they are making the motion for or against.
- A motion cannot be amended until it has been voted on (especially if the motion has a first and a second vote).
- If a Commissioner makes a motion, they must vote in favor of that motion.
- In the case that no motion is made after a long discussion, and the chair has made all attempts to help Commissioners reach a decision, then the chair him/herself can make a motion.

Planning & Development Director's Report

Mr. Mann spoke to Commissioners about two new Planning Commission alternates that need to be briefed before they can start attending meetings. The staff will inform the members of the next meeting when it can be scheduled.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:20 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Chairman

Date

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2018-8112

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 VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE, 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, the City of Jacksonville Beach Land Development Code exists to establish comprehensive and consistent standards, regulations, and procedures for the review and approval of all proposed development of land in the City, and

WHEREAS, the City of Jacksonville Beach finds it necessary to periodically review and make amendments to the Land Development Code to make improvements; 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 II, Section 34-21 of the Land Development Code is hereby amended as follows¹:

Section 34-21. Interpretations.

(e) Appeal

(1) Within thirty (30) days after issuance of a written interpretation by the planning and development director, ~~the~~ an applicant with standing may

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).
Ordinance No. 2018-8112

appeal the interpretation to the ~~board of adjustment~~ Circuit Court of Duval County, Florida.

SECTION 2. That Article IV. Definitions of the Land Development Code is hereby amended as follows²:

Section 34-41. General

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. ~~If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal aid primary highway, the same shall not exceed one-half (1/2) of the total surface area.~~ All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

Carport means a roofed structure providing space for parking or storage of motor vehicles enclosed on not more than ~~three (3)~~ two (2) sides.

Driveway means a short private road that leads to a house or garage and maintained by an individual or group.

Lot of record means a lot that is part of a subdivision, the map or plat of which has been recorded in the office of the Duval County Clerk of Circuit Court, or a lot or parcel of land, the deed of which has been recorded in the office of the Duval County Clerk of Circuit Court.

Shopping Center means a group of three or more retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership ~~which that~~ is adjacent to and utilizing a common off-street parking area.

Standing means the ability of a party to demonstrate to the court or other decision-making body sufficient connection to and harm from the law, regulation, or action challenged to support that party's participation in a case or other legal process.

Walkway means any hard surfaced passage for walking and providing pedestrian access, often to a building or dwelling unit entrance, public sidewalk or driveway.

SECTION 3. That Article V. Decision Making and Administrative Bodies, Division 4 of the Land Development Code is hereby amended as follows²:

Section 34-93.

(b) Appointment. The board of adjustment shall be composed of five (5) members appointed by the city council. The city council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternates shall serve a ~~two~~ ~~(2)~~ four (4) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member who is absent.

SECTION 4. That Article VI. Development Review Procedures, of the Land Development Code is hereby amended as follows²:

DIVISION 1. – GENERAL APPLICABILITY

Section 34-155. Hearing procedures for applications for development permit

(c) Conduct of hearing

(2) Due order of proceedings. The body conducting the hearings may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:

a. The planning and development director shall present a narrative and graphic description of the application for development permit.

b. The planning and development director shall present a written and oral recommendation report, including ~~the report of the planning and development director, if relevant~~ information concerning consistency with the Land Development Code and Comprehensive Plan, as applicable. This ~~recommendation~~ report shall address each factor required to be considered by the LDC prior to consideration of the application for development permit. The ~~recommendation~~ report of the planning and development director, ~~if relevant,~~ shall be made available to the applicant at least three (3) working days prior to the public hearing.

c. The applicant shall present any information the applicant deems appropriate.

d. Public testimony shall be heard, first in favor of the proposal, then in opposition to it.

e. The planning and development director and city attorney may respond to any statement made by the applicant or any public comment.

f. The applicant may respond to any testimony or evidence presented by the city staff or public.

DIVISION 2. SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS

Sec. 34-177. - Determination of sufficiency.

By the first Monday in April, the planning and development director shall determine if the application is sufficient. For a small scale development amendment accepted pursuant to section 34-176~~(b)~~(2), a sufficiency determination will be made within ten (10) working days of its submittal.

Sec. 34-179. Public hearings.

Amendments to the future land use map related to small scale developments adopted pursuant to section 34-176~~(b)~~(2) require only one public hearing before the local planning agency, followed one public hearing before the Jacksonville Beach city council, which shall be an adoption hearing as described in F.S. § 163.3184(7), and are not subject to the requirements of F.S. § 163.3184(3)-(6), unless the city council elects to have them subject to those requirements.

DIVISION 3. ZONING ATLAS AND CODE AMENDMENTS

Sec. 34-207. Review, and report. ~~and recommendation.~~

Within ten (10) working days after the application is determined to be sufficient, the planning and development director shall review the application, and prepare a staff report ~~recommending approval, approval with conditions, or disapproval~~ based on the standards in Section 34-211(c). The report may also contain staff suggestions for conditions of approval, as may be applicable. The planning and development director shall mail a copy of the staff report ~~and recommendation~~ to the applicant ~~on the day the staff report is completed,~~ along with written notification of the time and place the application will be considered by the planning commission. The public hearing on the application shall be scheduled for the first available regularly scheduled planning commission meeting by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the planning and development director.

Sec. 34-222. Authority.

The planning commission, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use after ~~recommendation by~~ consideration of the report from the planning and development director.

Section 34-283. Authorized variances.

Variances shall only be granted from the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance shall not be permitted in any zoning district. Variances shall not be granted to permit a use not generally allowed in the zoning district in which it is located. Variances may not be requested for relief from maximum building height, residential density or minimum lot area requirements.

SECTION 5. That Article VII. Zoning Districts, of the Land Development Code is hereby amended as follows³:

DIVISION 2. - ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS

Section 34-336. Residential, single-family: RS-1

(b) Permitted uses.

(3) Essential public services.

(d) Conditional uses.

~~(4) Essential public services.~~

~~(5) (4) Cemeteries~~

~~(6) (5) Government uses, excluding correctional institutions.~~

~~(7) (6) Golf courses. (Regulation golf courses only).~~

~~(8) (7) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.~~

Section 34-337. Residential, single-family: RS-2

(b) Permitted uses.

³ (~~strike through~~ text indicates deletions, underline text indicates additions).
Ordinance No. 2018-8112

(3) Essential public services.

(d) Conditional uses.

~~(5) Essential public services.~~

~~(6) (5) Cemeteries.~~

~~(7) (6) Government uses, excluding correctional institutions.~~

~~(8) (7) Golf courses. (Regulation golf courses only).~~

~~(9) (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.~~

~~(10) (9) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.~~

Section 34-338. Residential, single-family: RS-3

(b) Permitted uses.

(5) Essential public services.

(d) Conditional uses.

~~(5) Essential public services.~~

~~(6) (5) Cemeteries.~~

~~(7) (6) Government uses, excluding correctional institutions.~~

~~(8) (7) Golf courses. (Regulation golf courses only).~~

~~(9) (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.~~

~~(10) (9) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with more than six (6) and less than thirteen (13) residents.~~

~~(11) (10) Hospitals.~~

~~(12) (11) Nursing and personal care facilities.~~

~~(13)~~ (12) Civic, social and fraternal organizations.

~~(14)~~ (13) Public and private parks, playgrounds, and recreational facilities.

Sec. 34-339. - Residential, multiple-family: RM-1.

(b) Permitted uses.

(7) Essential public services.

(8) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) Conditional uses.

~~(10) Essential public services.~~

~~(11)~~ (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

~~(14)~~ (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses exceeding fifty thousand (50,000) square feet in gross area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

~~(17)~~ (15) Nursing and personal care facilities.

~~(18)~~ (16) Child day care services.

~~(19)~~ (17) Adult day care services.

~~(20)~~ (18) Civic, social and fraternal organizations

~~(21)~~ (19) Community centers.

~~(22)~~ (20) Public parks, playgrounds and recreational facilities.

(e) Dimensional standards.

(4) Townhouse dwellings.

g. Separation: No more than ~~six (6)~~ four (4) townhouse units shall be constructed contiguous to each other without an open space separation of at least twenty (20) feet between structures.

Sec. 34-340. Residential, multiple-family: RM-2.

(b) Permitted uses.

(7) Essential public services.

(8) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) Conditional uses.

~~(10) Essential public services.~~

(11) (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

(14) (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses exceeding fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

- (17) (15) Nursing and personal care facilities.
- (18) (16) Child day care services.
- (19) (17) Adult day care services.
- (20) (18) Hotels and motels.
- (21) (19) Restaurants, excluding drive-ins.
- (22) (20) Private membership sports clubs and recreational facilities.
- (23) (21) Civic, social and fraternal organizations.
- (24) (22) Outdoor restaurants.
- (25) (23) Community centers.
- (26) (24) Public and private parks, playgrounds and recreational facilities.

Sec. 34-345. Central business district: CBD.

(b) Permitted uses.

(19) Multiple family dwellings, subject to Section 34-345(e) Site Design and Lot Layout Standards and also subject to the maximum density limitations of Section 34-340 residential multi-family, RM-2.

Sec. 34-346. Industrial district: I-1.

(d) Conditional uses.

(3) Processing and wholesale trade of scrap and waste materials, including junkyards, subject to section 34-4-425(d).

SECTION 6. That Article VIII. Site Development Standards, of the Land Development Code is hereby amended as follows⁴:

DIVISION 1. - PARKING AND LOADING STANDARDS

Sec. 34-373. Design standards.

(a) Spaces.

⁴ (~~strikethrough~~ text indicates deletions, underline text indicates additions).
Ordinance No. 2018-8112

(5) Wheel Strips: Seven (7) foot overall width, as measured from outside edge to outside edge of each strip, with each strip measuring at least eighteen (18) inches wide.

(6) Bicycle Parking: For off-street parking lots containing 10 or more spaces, one parking space may be converted to a bicycle parking area.

- (d) *Parking area setbacks.* Off-street parking areas including driveways shall be located at least ten (10) feet from any corner and five (5) feet from any established right-of-way or property line, except as required to allow for vehicular access to and from a paved street, or unless otherwise stated in the LDC. Below ground parking garages on oceanfront lots are exempt from setback requirements, provided that they shall be constructed no closer than three (3) feet from any property line, shall be completely roofed and covered, and such roof or cover shall not be elevated more than six (6) inches above the crown of the abutting street.
- (f) *Construction standards.* Off-street parking and loading areas and the vehicular access way thereto shall be paved, and as applicable, be striped, and landscaped. All landscaping shall be in accordance with section 34-425.

DIVISION 2. - SUPPLEMENTAL STANDARDS

Section 34-392, Accessory uses and structures

- (a) *Setbacks.* Detached accessory structures shall observe the following setback requirements from adjacent property lines:
- (1) *Generally.* Detached accessory structures excluding temporary structures may be located in a required rear yard but shall be no closer than five (5) feet from any interior lot line. Street side and front yard setbacks shall be maintained on corner lots for the full length and width of the lot. Air conditioning compressors or other equipment designed to serve the main structure may be located in any required side yard of 7.5 feet width or more, or in any rear yard, but shall not project more than three (3) feet into any required yard in a residential district. Walkways may connect to primary and/or detached accessory structures, driveways and public sidewalks, may be located in a required front, side or rear yard area, but shall be setback a minimum of three (3) feet yard from any side property line.
- (d) *Pools.* Private swimming pools, as regulated herein, shall be any pool, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for swimming or bathing purposes.

1. General. A private swimming pool shall be allowed in any residential zoning district as an accessory use only if it fully complies with the following standards:

- d. The pool shall be constructed and enclosed in compliance with the requirements set forth in the ~~Standard Swimming Pool~~ Florida Building Code as adopted or amended by the City.

Sec. 34-395. Corner visibility.

On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the ~~street~~ right-of-way lines of such corner lots and a line joining points along said ~~street~~ right-of-way lines twenty (20) feet from the point of intersection. In addition to these requirements, landscaping within sight visibility triangles shall be governed by the standards of section 34-425(h).

Sec. 34-399. Home occupations.

(e) *Standards*

- (5) *Advertising*. All newspaper, radio, TV, websites, social media, or telephone directory advertising of the home occupation cannot include the specific address of the home occupation use. Post office boxes are acceptable.

SECTION 7. That Article VIII. Division 4. – Sign Standards, of the Land Development Code is hereby amended as follows⁵:

Section 34-444. Prohibited signs.

- (25) Signs nailed, fastened, affixed to, or painted on any fence or perimeter property wall, or on any tree or part thereof (living or dead), or other vegetation.

Sec 34-452 Penalties for violation of this division ~~Division IV~~ shall be as provided in Section 34-640; however, notwithstanding anything in the LDC or in the Jacksonville ~~Beach Ordinance~~ Code of Ordinances to the contrary, a penalty for a violation of this division ~~Division IV~~ shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration.

SECTION 8. That Article IX. Subdivision Standards, of the Land Development Code is hereby amended as follows⁵:

⁵ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

Section 34-503. Concept plan for plat.

(e) *Decision by planning commission.* After receipt of the staff report on the application for concept plan for plat, the application shall be considered at the next available public hearing. At the public hearing the planning commission shall consider the application, staff report, and public testimony. After the close of the public hearing the planning commission shall approve, approve with conditions, or deny the concept plan for plat based on the standards in section ~~34-403(f)~~ 34-503(f).

Sec. 34-504. - Development plan for plat.

Within one (1) year of receipt of a concept plan for plat, ~~a development order for a development plan~~ an application for development plan for plat shall be submitted pursuant to the procedures and standards of section 34-251 et seq., or the concept plan for plat shall become null and void.

Sec. 34-505. - Final plat.

(b) *Contents of application.* ~~Ten (10)~~ Five (5) copies of the application shall be submitted in a form established by the planning and development director and made available to the public that contains the following information:

SECTION 9. That this ordinance shall take effect upon its adoption by the City Council.

SECTION 10. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 11. 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 _____ DAY OF _____, A.D., 2018.

William C. Latham, Mayor

Laurie Scott, City Clerk

Memorandum

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268
Fax: 904.247.6276

To: Planning Commission
From: Denise C. May, Marks Gray, P.A.
Assistant City Attorney
Date: October 12, 2018
Re: Rules of Procedure

www.jacksonvillebeach.org

Recently there has been discussion and questions regarding rules of procedure particularly for motions and order of hearings for the Planning Commission. A review of the City Code at Section 34-77(e) indicates that the Planning Commission is charged with the adoption of rules of procedure for the transaction of business.

At the meeting of September 24, 2018 a draft of the following suggested rules of procedure were introduced and a brief discussion was held. Your input and further discussion is requested to continue to formal adoption of rules of procedure for the Planning Commission as required by City Code Section 34-77(e).

Following are the suggested procedures for your official consideration.

I. Introduction

- a) Administrative policies and procedures for the Planning Commission of the City of Jacksonville Beach including board membership and board responsibilities are outlined in the City of Jacksonville Beach Code of Ordinances, Article V, Division 3. This document does not supersede the Code and is rather the exercise of the Commission's directive to adopt rules and



procedures necessary to implement its duties consistent with the Code.

- b) The purpose of adopting rules of procedure for the regular conduct of business of the Planning Commission is to provide a framework for efficient meetings for the benefit of the applicants, the public, the Commission, and staff. These rules of procedure are adopted pursuant to Sec. 34-77(e).
- c) All hearings held by the Planning Commission shall be conducted in accordance with Florida's Sunshine Laws as codified in Chapter 286, Florida Statutes, as may be amended.

II. Applications

- a) The Planning Commission is the reviewing and recommending body for the following applications:
 - 1. Comprehensive plan text amendments.
 - 2. Future land use map amendments.
 - 3. Land Development Code text amendments.
 - 4. Zoning atlas amendments.
 - 5. Planned Unit Development permits.
- b) The Planning Commission is the reviewing and approving body for the following applications:
 - 1. Conditional use permits.
 - 2. Major development permits.

III. Order of Business

- a) At each regular meeting of the Planning Commission, the order of business shall be:
 - 1. Call to Order
 - 2. Roll Call
 - 3. Approval of Minutes
 - 4. Correspondence
 - 5. Old Business
 - 6. New Business

7. Planning Department Report

8. Adjournment

- b) Disclosure of Ex Parte communications will be announced on the record for each application.
- c) The order of business may be changed by the Chair or by a majority of the members present and voting.

IV. Hearing

- a. All testimony will be under oath. When applicable, many speakers can be sworn in by the Recording Secretary at the same time. Following the oath, when speakers first address the Commission each will state their name and address.
- b. Robert's Rules of Order shall facilitate the parliamentary procedure when it does not constrict the Commission's ability to be flexible and accessible to the applicant and public or otherwise comply with Florida Sunshine Laws.
- c. Public testimony will be allowed 3 minutes per speaker. A speaker may not donate speaking time from one speaker to another.
- d. Testimony providing competent, relevant, and substantial evidence will be taken into consideration.
- e. All exhibits or other materials presented at a Commission meeting should be presented in a manner to allow viewing by the public, as reasonably possible. A copy of all materials or exhibits presented must be given to the Recording Secretary and retained by the City Clerk as required under Florida Public Records Act.
- f. In all other respects hearings on applications before the Planning Commission will follow the procedures as defined in Sec. 34-155 of the City of Jacksonville Beach Code.

V. Voting

- a. The Commission shall discuss the application based upon its merits with respect to the applicable code sections and criteria. Material facts include the application materials, the report of staff, and any evidence and testimony provided at the hearing that the Commission deems as competent, relevant, and substantial.
- b. The Commission will discuss any conditions to be imposed or recommended on an application.
- c. The Chair will call for a motion on the application. Depending on the applicable code section motions may include:
 - i. Recommendations to Approve, Approve with Conditions, Continuance, or Denial; or
 - ii. Approval, Approval with Conditions, Continuance, or Denial.
- d. All motions require a second to the motion before Commission discussion.
 - i. If no second to a motion is offered the motion fails and another motion must be offered.
- e. Motions may be withdrawn upon permission of the Chair.
- f. Motions may be amended upon permission of the Chair.
 - i. When amending a motion on the floor the movant shall state "I move the motion be amended by..." and adding or striking words in clearly stated terms.
 - ii. All amendments require a further second and debate.
- g. The Commission will vote on valid motions by roll call vote.

I. **Introduction**

- a) Administrative policies and procedures for the Planning Commission of the City of Jacksonville Beach including board membership and board responsibilities are outlined in the City of Jacksonville Beach Code of Ordinances, Article V, Division 3. This document does not supersede the Code and is rather the exercise of the Commission's directive to adopt rules and procedures necessary to implement its duties consistent with the Code.
- b) The purpose of adopting rules of procedure for the regular conduct of business of the Planning Commission is to provide a framework for efficient meetings for the benefit of the applicants, the public, the Commission, and staff. These rules of procedure are adopted pursuant to Sec. 34-77(e).
- c) All hearings held by the Planning Commission shall be conducted in accordance with Florida's Sunshine Laws as codified in Chapter 286, Florida Statutes, as may be amended.

II. **Applications**

- a) The Planning Commission is the reviewing and recommending body for the following applications:
 1. Comprehensive plan text amendments.
 2. Future land use map amendments.
 3. Land Development Code text amendments.
 4. Zoning atlas amendments.
 5. Planned Unit Development permits.
- b) The Planning Commission is the reviewing and approving body for the following applications:
 1. Conditional use permits.
 2. Major development permits.

III. **Order of Business**

- a) At each regular meeting of the Planning Commission, the order of business shall be:
 1. Call to Order
 2. Roll Call

3. Approval of Minutes
 4. Correspondence
 5. Old Business
 6. New Business
 7. Planning Department Report
 8. Adjournment
- b) Disclosure of Ex Parte communications will be announced on the record for each application.
 - c) The order of business may be changed by the Chair or by a majority of the members present and voting.

IV. Hearing

- a. All testimony will be under oath. When applicable, many speakers can be sworn in by the Recording Secretary at the same time. Following the oath, when speakers first address the Commission each will state their name and address.
- b. Robert's Rules of Order shall facilitate the parliamentary procedure when it does not constrict the Commission's ability to be flexible and accessible to the applicant and public or otherwise comply with Florida Sunshine Laws.
- c. Public testimony will be allowed 3 minutes per speaker. A speaker may not donate speaking time from one speaker to another.
- d. Testimony providing competent, relevant, and substantial evidence will be taken into consideration.
- e. All exhibits or other materials presented at a Commission meeting should be presented in a manner to allow viewing by the public, as reasonably possible. A copy of all materials or exhibits presented must be given to the Recording Secretary and retained by the City Clerk as required under Florida Public Records Act.
- f. In all other respects hearings on applications before the Planning Commission will follow the procedures as defined in Sec. 34-155 of the City of Jacksonville Beach Code.

V. Voting

- a. The Commission shall discuss the application based upon its merits with respect to the applicable code sections and criteria. Material facts include the application materials, the report of staff, and any evidence and testimony provided at the hearing that the Commission deems as competent, relevant, and substantial.
- b. The Commission will discuss any conditions to be imposed or recommended on an application.
- c. The Chair will call for a motion on the application. Depending on the applicable code section motions may include:
 - i. Recommendations to Approve, Approve with Conditions, Continuance, or Denial; or
 - ii. Approval, Approval with Conditions, Continuance, or Denial.
- d. All motions require a second to the motion before Commission discussion.
 - i. If no second to a motion is offered the motion fails and another motion must be offered.
- e. Motions may be withdrawn upon permission of the Chair.
- f. Motions may be amended upon permission of the Chair.
 - i. When amending a motion on the floor the movant shall state “I move the motion be amended by...” and adding or striking words in clearly stated terms.
 - ii. All amendments require a further second and debate.
- g. The Commission will vote on valid motions by roll call vote.