City of Jacksonville Beach

Agenda

Planning Commission

11 North Third Street
Jacksonville Beach, Florida

Monday, January 27, 2020 | **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), Britton Sanders, Margo Moehring, Jon Scott Walker
   Alternates: Colleen White, Justin Lerman

3. **Approval of Minutes:** January 13, 2020

4. **Correspondence:** None

5. **New Business:**

   (A) **PC#1-20 1304 North 1st Avenue**
   Concept Plan for Plat Application for a proposed three lot, fee-simple townhouse subdivision located in a Commercial, general: C-2 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

   (B) **PC#2-20**
   Land Development Code Text Amendment Application 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.

   (C) **PC#3-20**
   Land Development Code Text Amendment Application amending the text in Section 34-406 to allow six (6) foot tall fences in the front yard of single-family homes that front A1A (3rd Street).

   (D) **PC#4-20**
   Land Development Code Text Amendment Application amending the text in Section 34-346(b) to add "Mobile Food Vending Vehicles" to the list of Permitted Uses in *Industrial: I-1* zoning districts.

6. Planning Department Report:

(A) The next meeting is tentatively scheduled for Monday, February 24, 2020.

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, January 13, 2020, 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 7:02 P.M. by Chairman Greg Sutton.

Roll Call

Chairman:	Greg Sutton		
Vice-Chairman:	David Dahl		
Board Members:	Margo Moehring	Britton Sanders	Jon Scott Walker (absent)
Alternates:	Colleen Murphy White		

Also present was Senior Planner Heather Ireland and Outside Counsel Denise May.

Oath of Office

City Clerk Laurie Scott administered the Oath of Office to newly appointed 2nd Alternate Justin Lerman.

Mr. Sutton requested a roll call once Mr. Lerman took his seat at the Dais.

Roll Call

Chairman:	Greg Sutton		
Vice-Chairman:	David Dahl		
Board Members:	Margo Moehring	Britton Sanders	Jon Scott Walker (absent)
Alternates:	Colleen Murphy White	Justin Lerman	

Approval of Minutes

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

- December 9, 2019

Correspondence

Board members disclosed emails they had received regarding PC#37-19.

New Business

(A) PC#36-19 1700 South 3rd Street

Owner: BFC Property Acquisition I, LLC
PO Box 23627
Jacksonville, FL 32241

Applicant: King Pin LLC, d/b/a/ The Bearded Pig
2002 San Marco Blvd. Suite 204
Jacksonville, FL 32207

Conditional Use Application for outdoor restaurant seating at a new restaurant, for property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (Applicant– *The Bearded Pig*).

Staff Report:
Ms. Ireland read the following report into the record:
The subject property is located on the west side of South Third Street, just south of 16th Avenue South. The existing structure was built in 1976 and has historically been occupied by a bank. The most recent bank tenant vacated the property in 2018. The property is under new ownership, and a restaurant tenant is preparing to renovate the property and occupy the building. The tenant was advised by staff that conditional use approval would be required for the proposed outdoor seating area shown on the site plan. Maximum outdoor restaurant seating for this property is 1,500 square feet. The tenant is proposing outdoor seating on the east side of the restaurant facing Third Street.

Adjacent uses include a car wash to the north, medical offices and a church to the west, commercial uses to the south, and Huguenot Park and lagoon to the east across Third Street. The proposed outdoor restaurant seating is consistent with other restaurants and should not negatively impact adjacent properties.

Agent Michael Schmidt, 2769 White Oak Lane, Jacksonville, described the outside seating and play area for kids. He noted they had more than the required parking.

Public Hearing:
The following spoke in support of the application:

- Steve Williams, 3731 Duval Drive, Jacksonville Beach

Mr. Sutton closed the Public Hearing.

Discussion:
There was no additional discussion by the Board.

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

Roll call vote: Ayes – David Dahl, Margo Moehring, Britton Sanders, Colleen Murphy White, and Greg Sutton
The application was approved by a 5-0 vote.

(B) PC#37-19 231 21st Avenue South

Owner: Georgia Kay Papevies, Life Estate
1103 2nd Avenue North
Jacksonville Beach, FL 32250

Applicant: New Atlantic Builders, Inc.
5875 Mining Terrace, Suite 206
Jacksonville, FL 32257

Agent: Jim Watson
New Atlantic Builders, Inc.
5875 Mining Terrace, Suite 206
Jacksonville, FL 32257

Concept Plan for Plat Application for a proposed three lot, fee-simple townhouse subdivision located in a *Residential, multiple-family: RM-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:
Ms. Ireland read the following report into the record:
The subject property is located on the northwest corner of Gail Avenue and 21st Avenue South, and consists of two platted lots of record. The property has been developed with one single-family use since 1967. The applicant plans to redevelop the property into three fee-simple townhouse lots and was advised by staff that concept plan for plat approval would be required in order to subdivide the property into three townhouse lots. The proposed lots are consistent with the minimum lot area (2,500 square feet exterior and 1,500 square feet interior lots) and street frontage standards (25 feet exterior and 15 feet interior) for townhouse lots in *Residential, multiple-family: RM-2* zoning districts.

Adjacent uses include single-family residential to the north and west, and multiple-family residential to the east and south. The proposed development of townhouses on the property is consistent with the development in the surrounding area, and the proposed lots are consistent with the *RM-2* lot size and dimensional standards required.

Agent Jim Watson stated their intent to build townhomes that would sell for $500,000 to $600,000. Mr. Watson stated the large setbacks would reduce the impact. The units would be 2,000 to 2,500 square feet. The center unit would have a single car garage, and the two end units would have two-car garages.

Public Hearing:
- Tim Shea, 4217 2nd Street South, said he was representing the current property owner, who wishes to sell it. Mr. Shea stated he had spoken with staff to understand what could be built on the property. He was pleased staff stated the plan met the criteria.

The following spoke in support of the agenda item:
- Steve Williams, 3731 Duval Drive, Jacksonville Beach

The following people spoke in opposition to the agenda item:
- Ken Marsh, 2011 and 2027 Gail Avenue, Jacksonville Beach
- John Moreland, 1702 2nd Street South, Jacksonville Beach
- Susan Mullaney, 2043 2nd Street South, Jacksonville Beach

The following people opposed the agenda item, but did to wish to address the board:
- Rick Mann, 2043 Gail Avenue, Jacksonville Beach
- Darby Marsh, 2011 Gail Avenue, Jacksonville Beach

Ms. Ireland stated the permitted uses in a RM 2 zoning district. Per density rules, this 8,000 square-foot lot could support five multi-family units.

Mr. Sutton closed the Public Hearing.

Mr. Watson said the traffic issues were not the property owner's fault, and the city should address the lack of a cul-de-sac at the end of Gail Avenue. He had been advised by the City's Planning and Development Director the plan met the Land Development Code.

Discussion:
Ms. May explained the only determining factors were: 1. consistency with the Comprehensive Plan; 2. compatibility with other surrounding land uses; and 3. design and layout. Ms. May stated the RM 2 zone permitted this use, and the Comprehensive Plan listed this area as high-density residential. For this lot, the density allowed three to seven units. Ms. May stated approval from this board was stage 1. The applicant would still need approval of a development order and approval from the City Council. She reminded the board of the competent substantial evidence standard. Ms. May reviewed the guidance the board had received from the court last year regarding concept plan developments.

Ms. Moehring stated a comprehensive look at their future land uses and regulations is much needed. She noted there was more traffic now on local roads.

Motion: It was moved by Mr. Sanders and seconded by Ms. Moehring to approve the Concept Plan for Plat application.

Roll call vote: Ayes – Margo Moehring, Britton Sanders, David Dahl, and Greg Sutton
Nays – Colleen Murphy White
The application was approved by a 4-1 vote.

Planning & Development Director's Report
Ms. Ireland announced the next meeting was scheduled for Monday, January 27, 2020, and there were four cases on the agenda.

Adjournment
There being no further business coming before the board, Mr. Sutton adjourned the meeting at 7:50 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

_____
Chairman

_____
Date

MEMORANDUM

TO: Planning Commission Members

FROM: Heather Ireland, Senior Planner

DATE: January 21, 2020

RE: January 27, 2020 - Planning Commission Staff Report

The following information is provided for your consideration regarding the following agenda items for the upcoming **Monday, January 27, 2020** Planning Commission meeting.

NEW BUSINESS:

PC#1-20 **Concept Plan for Plat Application**

Owner: JWB Real Estate Capital
7563 Philips Highway Suite 208
Jacksonville, FL 32256

Applicant: Alex Sifakis
JWB Real Estate Capital
7563 Philips Highway Suite 208
Jacksonville, FL 32256

Agent: Curtis Hart
Hart Resources, LLC
8051 Tara Lane
Jacksonville, FL 32216

Location: 1304 1st Avenue North

Request: **Concept Plan for Plat Approval** for a proposed three lot, fee-simple townhouse subdivision located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Comments: The subject property is located on the south side of 1st Avenue North between Penman Road and 11th Street North. The property was historically a single-family residential use, despite being located in a commercial zoning district, which does not permit single-family residential uses. The applicant wishes to redevelop the property with a three unit fee-simple townhouse project.

The applicant received Conditional Use approval via PC#5-17 on February 27, 2017 for multiple-family residential in a *C-2* zoning district for the proposed three-unit townhouse project. The applicant also received Concept Plan for Plat approval in April of 2017, however that approval has expired. The applicant's proposed plan shows three townhouse lots that meet the minimum *RM-1* townhouse lot sizes and street frontages, (2,500 square foot exterior lots, and 1,500 square foot interior lots).

Adjacent property uses include single-family to the north across 1st Avenue North, a vacant property to the east, commercial to the west, and commercial to the south along Beach Boulevard. The proposed three-unit townhouse project is consistent with the mixed-use character of the surrounding area, meets the *RM-1* zoning district requirements, and represents a transitional use between the commercial uses on Beach Boulevard and the single-family residential neighborhood to the north.

PC#2-20 **Land Development Code Text Amendment Application**

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

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

Comments: 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 in that ordinance 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. 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, VIII and IX of the LDC.

The Planning and Development Director will be present at the January 27th Planning Commission meeting to review and discuss the proposed amendments.

A description of the proposed amendments are as follows:

- **Typographical errors** are being corrected in Sections 34-177, 34-179, 34-346(d)(3), and 34-503(5).
- **Section 34-21(e)(1)** – Clarification that appeals of interpretations by the Planning and Development Director may be submitted by an applicant with "standing", per the new definition of "standing", and that appeals are made to the "Circuit Court of Duval County" instead of the "Board of Adjustment," thereby taking an unreasonable burden off of that lay board.
- **Section 34-41** –Definitions are being amended or added for the following terms:
    - Artwork – remove size limitations for murals.
    - Carport – make consistent with Florida Building Code.
    - Driveway – new definition for clarification.
    - Lot of record – new definition for clarification.
    - Shopping Center – change from "two" to "three" separate stores.
    - Walkway – new definition for clarification.
- **Section 34-93(b)** – Change the appointment term for alternates on the Board of Adjustment from "two" years to "four" years, consistent with other boards, and with terms for members.
- **Section 34-155(c)(2)b.** – Change "recommendation" to "report".
- **Section 34-203** – Change Section to reflect that only the Planning Director, Planning Commission, and City Council can initiate changes or amendments to the text of the LDC.
- **Section 34-207** – Change "recommendation" to "report", and adjust the time in which a staff report is to be provided to an applicant. Add that a staff report may contain suggestions for conditions of approval as applicable.
- **Section 34-211(b)** – Change to clarify that the City Council hears the Planning Director's report, and the Planning Commission's recommendation on zoning amendment applications.
- **Section 34-222** – Change "recommendation" to "report".
- **Section 34-283** – Add that a variance may not be requested for relief from maximum building height, residential density, or minimum lot area requirements. (Re-stating current regulations in an appropriate location.)
- **Sections 34-336, 34-337, 34-338, 34-339, and 34-340** – Move "Essential public services," as currently defined in the LDC, from the list of conditional uses to the list of permitted uses in all residential zoning districts.
- **Sections 34-339, 34-340** - Add single-family dwellings, constructed per RS-3 standards, to the list of permitted uses in RM-1 and RM-2 multi-family zoning districts.
- **Section 34-345(b)(19)** – Technical correction for multi-family dwelling developments in *Central Business District: CBD* zoning, correctly referencing the CBD's Site Design and Lot Layout Standards as being applicable to multifamily development in the CBD, in addition to the maximum 40 units per acre density standard.
- **Section 34-373(a)(5) and (a)(6)** – Add a dimensional standard for wheel strips when used for required parking spaces or access to required parking spaces, and add a standard for bicycle parking areas in off-street parking lots containing 10 or more spaces.

- **Section 34-373(f)** – Add language to clarify that vehicular access to required parking must also be paved.
- **Section 34-392(a)(1)** – Add a standard that air conditioning compressors can only be located in side yards that are at least seven and a half feet wide, for safety and access reasons.
- **Section 34-392(4)(a)4.** – Change reference to the "Standard Swimming Pool Code" to the "Florida Building Code".
- **Section 34-395** – Change "street lines" to "right-of-way lines" to clarify the definition of corner sight visibility triangles.
- **Section 34-999(e)(5)** – Add "internet websites" and "social media" to the list of prohibited locations where home occupations can advertise their home addresses, reflective of current technologies.
- **Section 34-444(25)** – Add that signs on fences or perimeter walls are prohibited (in addition to signs on trees and other vegetation).
- **Section 34-504** – Change "development order for a development plan" to "application for development plan" for clarification.
- **Section 34-505** – Require five copies of a final plat application to be submitted instead of 10 copies, to reflect actual need.

PC#3-20 **Land Development Code Text Amendment Application**

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 Section 34-406 to allow six (6) foot tall fences in front yards of properties in residential zoning districts that front S.R. A1A (3rd Street).

Comments: This amendment is being proposed by the City Council for consideration, at the request of a homeowner who lives at 3477 South 3rd Street. The homeowner installed a six (6) foot tall wooden fence in the front yard area of the subject property, without obtaining a fence permit, which also extended into the Florida Department of Transportation (FDOT) right-of-way in front of the property. The fence was installed behind an existing tall ligustrum hedge planted by a previous owner of the property also in the FDOT right-of-way. The property was cited by Code Enforcement in July 2018 for installing a fence without a permit (Code Enforcement Case #18-219).

The existing six foot tall fence cannot be permitted by the Planning and Development Department under current zoning regulations due to its location in the required front yard setback of the property and also off of the homeowner's private property, in the State Road A-1-A right-of-way. The placing of any structure, including a fence, within the State Road A-1-A (3rd Street) right-of-way would require approval from the FDOT.

Conversely, if the fence were to be relocated into the front yard of the subject property, along the front property line, it could only be permitted to a maximum height of four (4) feet.

There are several reasons why front yard fences are restricted to four (4) feet in height. The primary reason is to allow for passive drive-by surveillance of buildings on developed properties by law enforcement. Another reason is to aid in address location by emergency responders. Finally, the regulation of front yard fences at any specific height is to promote a general consistency in appearance from property to property that front on any given street or avenue.

Given that the residentially zoned properties fronting on 3rd Street are almost totally developed, an amendment to allow higher front yard fences for properties with front yards facing 3rd Street would benefit only a few properties. The homeowner has presumably modified their existing fence to comply with the Code Enforcement order, and the existing ligustrum hedge remains in the front of the property.

This is the only the third request for additional fence height in a front yard setback area for a property fronting on 3rd Street in over 20 years. The other two requestors, one of which was from the inquirer's immediate neighbor to the south, were cited for illegal fence installation in the general timeframe in 2018 that the owner of 3477 South 3rd Street was cited. Both of those property owners have since modified their fences to bring them into compliance with the current four (4) foot maximum height for fences in front yards.

Finally, given that the property at 3477 South 3rd Street is 54 feet wide across the front property line of the lot, that the existing driveway from the house out to 3rd Street is approximately 17 feet wide at the front property line, and that the driveway is required to have a 10-foot sight visibility triangle on either side of it with nothing allowed within the triangles above 2.5 feet in height, if a 6-foot tall fence were to be permitted across the front property line, there would still be required to be a 37-foot wide open gap in the fence to accommodate the driveway and its two sight triangles. That would leave a total of only 17 feet of front property line that could contain the desired 6 foot tall fence.

PC#4-20 **Land Development Code Text Amendment Application**

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

Request: **Land Development Code Text Amendment Approval** amending the text in Section 34-346(b) to add "Mobile Food Vending Vehicles" to the list of Permitted Uses in *Industrial: I-1* zoning districts.

Comments: Staff was approached by a representative of the *Veterans of Foreign Wars Post 3270* (VFW) and a food truck operator seeking approval to operate his food truck at the VFW Post located on 9th Street South in an *Industrial: I-1* zoning district. Pursuant to Ordinance 2014-8042, food trucks are currently permitted uses only in *C-1*, *C-2*, *CS*, *CBD* and in *RD* zoning districts that existed on January 1, 2014, and commercially designated areas of PUDs that existed on January 1, 2014. When Ordinance 2014-8142 was drafted in 2014, it was not contemplated that food truck operators would want to locate in the industrial areas of the city. Two public workshops were held on the subject matter, and the desire to allow food trucks in *I-1* zoning districts was not identified as a priority at that time.

Staff has been directed by City Council to draft an ordinance to add "Mobile Food Vending Vehicles" to the list of Permitted Uses in the *Industrial: I-1* zoning district. If approved, applicants would be required to adhere to the same process as food trucks in all other locations and provide property owner authorization, proof that the food truck meets the criteria established by Ordinance 2014-8041, and a site plan showing the proposed location of the vehicle. Staff has no objections to adding "Mobile Food Vending Vehicles" to the list of permitted uses in the *I-1* zoning district.

CONCEPT PLAN FOR PLAT APPLICATION

RECEIVED
DEC 26 2019
PLANNING & DEVELOPMENT

PC No. 1-20
AS/400# 20-100001
HEARING DATE 1/27/20

A concept plan for plat is required to be submitted for the division and/or transfer of three (3) or more parcels of land. This form is intended for submittal, along with the required attachments, with all requests for approval of a concept plan for plat. Pursuant to Section 34-503 of the Jacksonville Beach Land Development Code, if a proposed development is subject to the terms of Article IX. Subdivision Standards and has not received a development order for a preliminary development plan for PUD or RD zoning district classification, it shall be required to receive approval of a concept plan for plat. All applications shall be accompanied by a nonrefundable fee of $250.00, payable by check only. An application for concept plan approval shall include the information and attachments listed below.

DEVELOPMENT INFORMATION

Land Owner's Name: Alex Siferakis / JWB Real Estate Capital
Mailing Address: 15103 Philips Hwy Ste. 205
Jacksonville, FL 32256
Telephone: 904-677-6777
Fax:
E-Mail: alex@jwbcompanies.com

Developer Name: Same As owner ↑
Mailing Address:
Telephone:
Fax:
E-Mail:

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: Curtis Hart / Hart Resources LLC
Mailing Address: 5051 Tara Lane
Jacksonville, FL 32216
Telephone: 904-993-5009
Fax:
E-Mail: curtshart@hartresources.net

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROPERTY AND PROJECT DATA

Project Name: ~~1304~~ 1304 1st
Property Address(es): 1304 1st Ave N, Jacksonville Beach FL 32250
List All Real Estate/Parcel Number(s): 177880-0000
Legal Description of Property: See Attached

Current Use of Property: Vacant
Proposed Use of Property: 3 townhomes
Current Zoning Classification: C-2
Future Land Use Map Designation: Comm

REQUIRED DOCUMENTATION	Attached? Yes	No	N/A
1. Attach copies of all applicable deeds, plats, easements, boundary survey etc.	✓		
2. Concept plan of the proposed plat, which includes the square footage and dimensions of each lot and block layout and the proposed traffic circulation system on ledger-sized paper (11"x17")	✓		
3. Signed and sealed boundary survey prepared by a registered land surveyor showing all existing improvements			

Applicant Signature: Curt Hart
Date: 12/26/19

CURTIS L. HART
8051 Tara Lane, Jacksonville FL 32216 | 904.993.5008 | curtishart1972@att.net

Thursday, December 26, 2019

RECEIVED
DEC 26 2019
PLANNING & DEVELOPMENT

City of Jacksonville Beach
Planning and Development Department
11 North 3rd Street
Jacksonville Beach, Florida 32250

Dear City of Jacksonville Beach:

Re: **1304 1st Avenue North, Jacksonville Beach, FL 32250 – RE# 177880-0000**

The following information is being submitted for Concept Plat Approval.

Owner of Record:
JWB Real Estate Capital
7563 Philips Hwy Ste 208
Jacksonville, FL 32256

Developer:
Alexander Sifakis
JWB Construction Group
7563 Philips Hwy Ste 208
Jacksonville, FL 32256
904-677-6777

Agent:
Curtis Hart
Hart Resources, LLC
8051 Tara Lane
Jacksonville, FL 32216

Engineer of Record:
Chris Favre
North Florida Engineering
9432 Baymeadows Rd Ste 280
Jacksonville, FL 32256

Attached is the legal description of the property, location map, proposed site plan, agent authorization letter, and a check made out to the City of Jacksonville Beach for $250.00. If you have questions, please call me at 904.993.5008. I look forward to hearing from you soon.

Sincerely,

CURTIS L. HART

LEGAL DESCRIPTION

LOT 10, PINE GROVE UNIT 3, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 94, OF THE CRRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

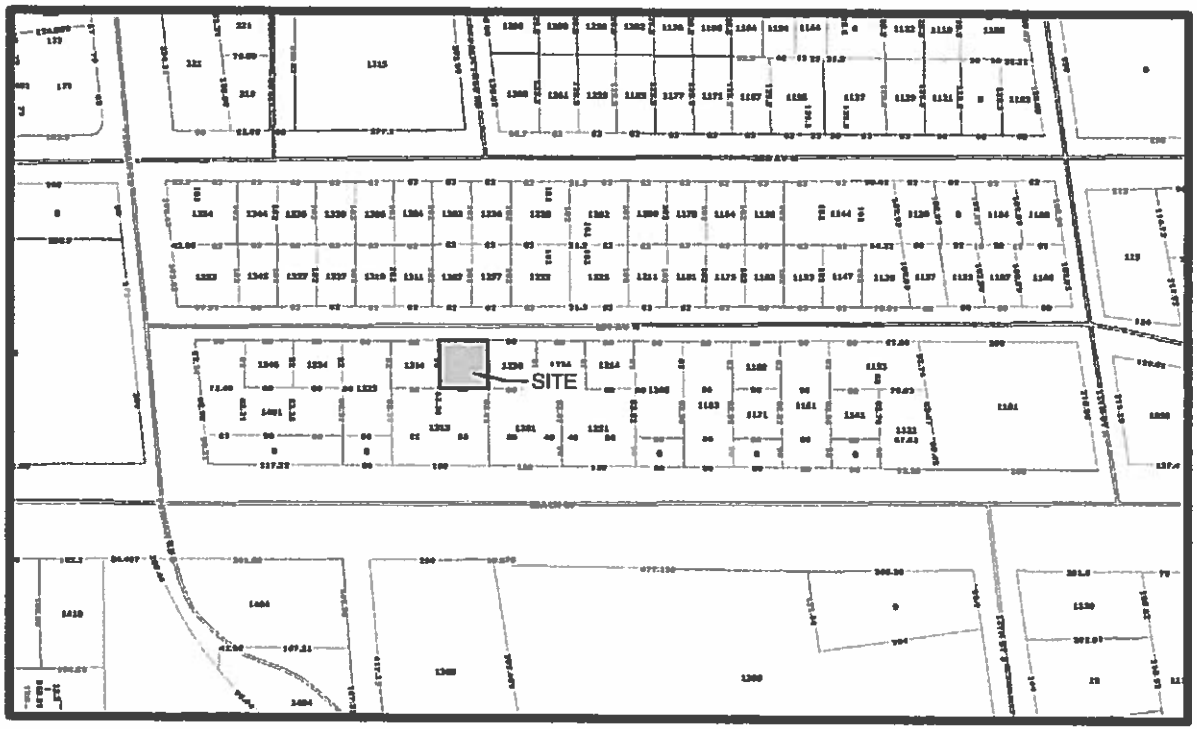
RECEIVED

DEC 26 2019

PLANNING & DEVELOPMENT

1304 FIRST AVENUE NORTH

JACKSONVILLE BEACH, FLORIDA



VICINITY MAP

RECEIVED
DEC 26 2019
PLANNING & DEVELOPMENT

1304 FIRST AVENUE NORTH

VICINITY MAP

NORTH FLORIDA ENGINEERING SERVICES, INC.
CERTIFICATION # 29005
8432 Baymeadows Road, Suite 200, Jacksonville, FL 32256
P/N (904) 737-0977 F/Fax (904) 386-6372
E/Email: FAVRE.NFES@GMAIL.COM

DATE: [illegible]
JOB NUMBER: 17-012
SCALE: N.T.S.
SHEET NUMBER
1

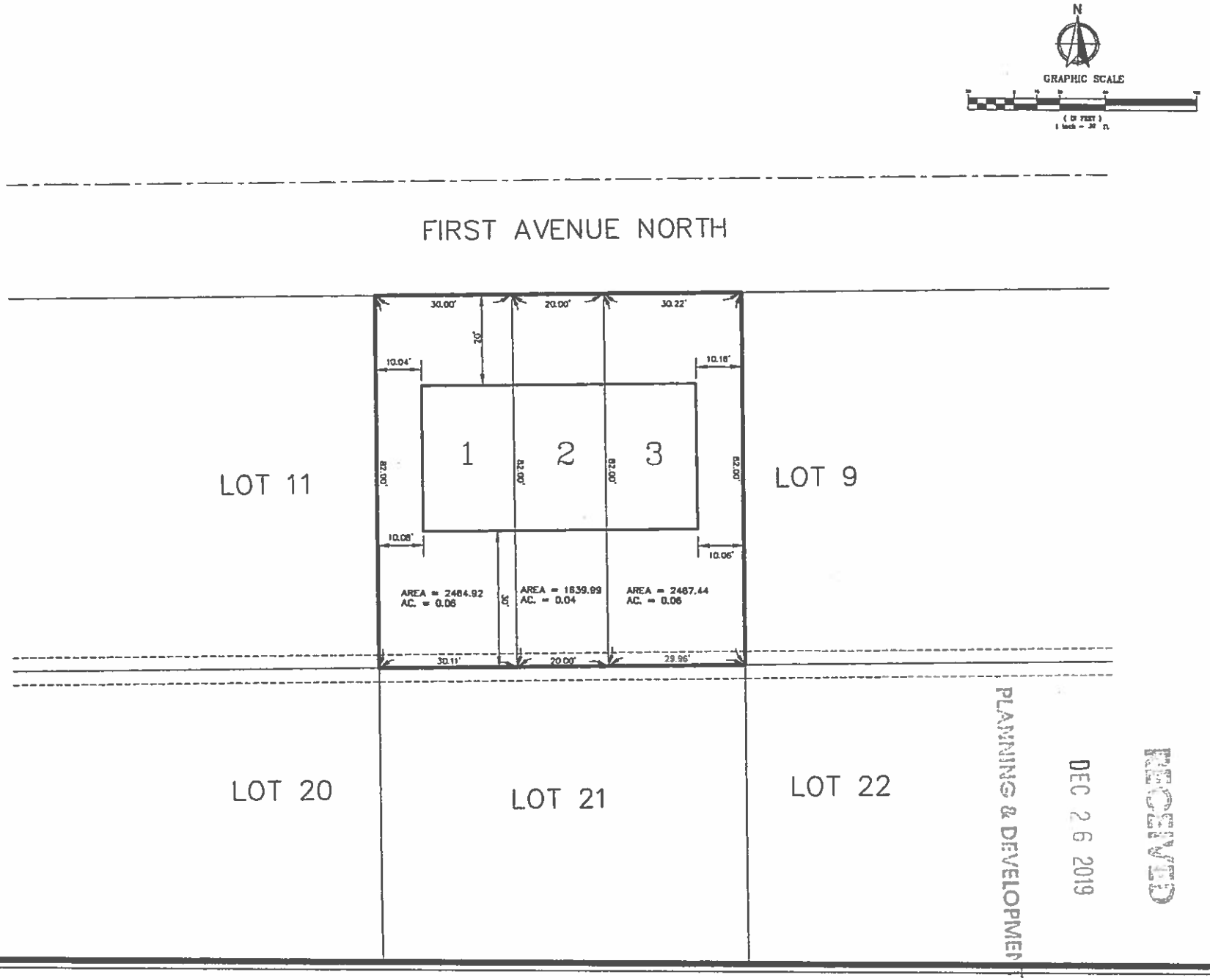

N
GRAPHIC SCALE
FIRST AVENUE NORTH
30.00'
20.00'
30.22'
10.04'
10.16'
1
2
3
82.00'
82.00'
82.00'
82.00'
LOT 11
LOT 9
10.08'
10.06'
AREA = 2464.92
AC. = 0.06
AREA = 1639.99
AC. = 0.04
AREA = 2467.44
AC. = 0.06
30.11'
20.00'
29.96'
LOT 20
LOT 21
LOT 22
PLANNING & DEVELOPMEN
DEC 26 2019
RECEIVED
1304 FIRST AVENUE NORTH
LAYOUT 1
NORTH FLORIDA ENGINEERING SERVICES, INC.
SCALE: 1" = 30'
1

EXHIBIT B

Agent Authorization

RECEIVED

DEC 26 2019

PLANNING & DEVELOPMENT

Date: December 26, 2019

City of Jacksonville Beach
Planning and Development Department

Re: Agent Authorization for the following site location:

1304 1st Avenue North

To whom it may concern:

You are hereby advised that the undersigned is the owner of the property 1304 1st Ave North (RE#: 177880-0000). Said owner hereby authorizes and empowers Curtis Hart of Hart Resources to act as agent to file application(s) for Concept Plat for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Alex Sifakis
President, JWB Real Estate Capital LLC

REZONING/TEXT AMENDMENT APPLICATION

PC No. 2-20

1/27/20 AS/400# 20-100002

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change tot eh text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a $1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: N/A
Mailing Address: _____
_____
Telephone: _____
Fax: _____
E-Mail: _____

Applicant Name: Planning and Development Dept.
Mailing Address: 11 North 3rd Street
Jacksonville Beach, FL 32250
Telephone: (904) 247-6231
Fax: _____
E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____
_____
Telephone: _____
Fax: _____
E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: N/A

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): N/A

Current Zoning Classification: N/A Future Land Use Map Designation: N/A

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Land Development Code Chapter 34

REQUESTED INFORMATION	Attached? Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature: _____ Date: 1/2/20

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

ORDINANCE NO. 2020-8133

AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, 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; and Chapters 163 and 166, Florida Statutes; and

WHEREAS, the City of Jacksonville Beach Code of Ordinances, Chapter 34 Land Development Code (LDC) 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 to implement the goals of the Comprehensive Plan; and

WHEREAS, the City of Jacksonville Beach finds it necessary to periodically review and make amendments and revisions to the LDC to provide clarifications, address new issues pertaining to regulations and procedures, make updates, enact new portions and reorganize parts; and

WHEREAS, the City of Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and the proposed amendments, clarifications, revisions, updates and reorganization to the articles, divisions and sections of the LDC, it has considered staff recommendations, information provided and public testimony given at the public hearings and has presented its recommendation to the City Council; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

SECTION 1. RECITALS. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance.

SECTION 2. AMENDMENTS TO THE CITY LDC.[1] That Article II. Section 34-21 - Interpretations., of the LDC is hereby amended as follows:

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

SECTION 3. That Article IV. Definitions. Section 34-41. – General., of the LDC is hereby amended as follows:

Sec. 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 that is adjacent to and utilizing a common off-street parking area.

[1] The revisions to the Codes set forth herein are indicated with ~~strikethrough~~ text to indicate deletions and underline text to indicate additions.

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 4. That Article V. - Decision Making and Administrative Bodies, Division 4. - Board of Adjustment, Section 34-93. Board Membership., of the LDC is hereby amended as follows:

Sec. 34-93. – Board Membership.

(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 5. That Article VI. - Development Review Procedures of the LDC is hereby amended as follows:

DIVISION 1. – GENERAL APPLICABILITY

Sec. 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 report of the planning and development director 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 that qualify as small scale developments adopted pursuant to section 34-176~~(b)~~(2) require only one public hearing before the local planning agency, followed by one public hearing before the Jacksonville Beach city council, which shall be an adoption hearing as provided in F.S. § 163.318 7(2), and as described in F.S. §163.3184(11)(b)2., and are not subject to the requirements of F.S. § 163.3184(2)-(6), unless the city council elects to have them subject to those requirements.

DIVISION 3. ZONING ATLAS AND CODE AMENDMENTS

Sec. 34-203. – Initiation.
Amendments to the text of the Land Development Code may be proposed by the city council, the planning commission, and the planning and development director~~, or the owner or another person having a contractual interest in property affected by a proposed amendment or their agent~~. Amendments to the official zoning atlas may be proposed by the city council, the planning commission, the planning and development director or the owner or another person having a contractual interest in property affected by a proposed zoning atlas amendment or their agent.

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 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. 34-211. – Action by City Council following public hearing.

(b) The city council shall consider the application, all relevant supporting materials, the staff report ~~and recommendation of the planning and development director~~, the recommendation of the planning commission, and the testimony given at the public hearing

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.

Sec. 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 6. That Article VII. Zoning Districts, of the LDC is hereby amended as follows:

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

Sec. 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.

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

(b) *Permitted uses.*

(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.

Sec. 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.

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 and townhouses, subject to Section 34-~~340~~345(e) *Site Design and Lot Layout Standards* and also subject to a maximum density of 40 units per acre ~~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-~~4-4-~~25(d).

SECTION 7. That Article VIII. Site Development Standards, of the LDC is hereby amended as follows:

DIVISION 1. - PARKING AND LOADING STANDARDS

Sec. 34-373. Design standards.

(a) Spaces.

(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.

(f) *Construction standards.* Off-street parking and loading areas and the vehicular access way thereto shall be paved, striped and landscaped. All landscaping shall be in accordance with section 34-425. The requirements provided herein for striping and landscaping are not applicable to driveways for single-family residences, two-family dwellings, and townhouses.

DIVISION 2. - SUPPLEMENTAL STANDARDS

Sec. 34-392. - Accessory uses and structures.

(4) *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.

a. 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:

4. 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, internet 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.

DIVISION 4. – SIGN STANDARDS

Sec. 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.

SECTION 8. That Article IX. Subdivision Standards, of the LDC is hereby amended as follows:

Sec. 34-503. Concept plan for plat.

(5) *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(6).

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. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 11. CODIFICATION. The City Council intends hat this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 12. EFFECTIVE DATE. This ordinance will take effect upon its adoption by City Council.

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

DRAFT

REZONING/TEXT AMENDMENT APPLICATION

PC No. 3-20

1/27/20 AS/400# 20-100003

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change tot eh text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a $1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: N/A
Mailing Address: _____
_____
Telephone: _____
Fax: _____
E-Mail: _____

Applicant Name: Planning and Development Dept.
Mailing Address: 11 North 3rd Street
Jacksonville Beach, FL 32250
Telephone: (904) 247-6231
Fax: _____
E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____
_____
Telephone: _____
Fax: _____
E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: N/A

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): N/A

Current Zoning Classification: N/A Future Land Use Map Designation: N/A

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Land Development Code Section 34-406

REQUESTED INFORMATION	Attached? Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature: _____ Date: 1/2/20

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

ORDINANCE NO. 2020-8134

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VIII, DIVISION 2, SECTION 34-406 FENCES, OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD A MAXIMUM HEIGHT RESTRICTION FOR FENCES ON RESIDENTIAL ZONED PROPERTIES FRONTING STATE ROAD A1A; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, 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 and Chapters 163 & 166, Florida Statutes; and

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance, the staff report, and relevant supporting materials and presentations, and has presented its recommendation to the City Council concerning this proposed fence height restriction amendment; and

WHEREAS, the City has a significant government interest to preserve the unique character and appearance of neighborhoods in the City, allowing for fences on residential properties to provide privacy and serve as sound barriers from traffic noise, but to also reasonably limit the height of fences that front roads to reduce visual obstructions that may cause traffic hazards, and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

SECTION 1. RECITALS. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance.

SECTION 2. AMENDMENT TO THE CITY LDC.[1] That Article VIII. - Site Development Standards, Division 2. – Supplemental Standards, Section 34-406. – Fences., (b) *Height restrictions.*, . of the Land Development Code of the City of Jacksonville Beach, Florida, is hereby amended as follows:

[1] (~~strikethrough~~ text indicates deletions, underline text indicates additions).

Sec. 34-406. –Fences

(b) *Height restrictions.*

(1) Except as provided for in this division or as modified by the other provisions of the LDC, ~~all~~ fences in and around the front yard of any lot shall not exceed four (4) feet. A fence in the rear yard of any oceanfront lot in an RS-1 zoning district shall not exceed three and one-half (3½) feet in height.

(2) Notwithstanding Subparagraph (b)(1), for any residentially zoned property fronting on the State Road A-1-A right of way, the maximum height for all fences in and around the front yard of such lot shall be six (6) feet.

(~~2~~3) An eight-foot, nonopaque chain link fence may be erected along the property line of any recreational facility owned or leased by a school, church, or unit of government.

(~~3~~4) Chain link fences for public or private tennis courts shall not be required to comply with height regulations. Windscreens may be installed provided that visibility at intersections of public rights-of-way is not impaired. Fences for private tennis courts shall be constructed within the required setbacks for accessory uses in the particular zoning district in which the fence is located.

(~~4~~5) A fence located in a side or rear yard, except rear yards of oceanfront lots in the RS-1 zoning district, may be constructed at a height not to exceed eight (8) feet provided that the following requirements are met:

a. All fences installed pursuant to this subsection shall be constructed of wood, masonry, or other aesthetically pleasing material. In no case shall fences constructed of chain link wire fabric be permitted to exceed six (6) feet in height.

b. Any portion of said fence in excess of six (6) feet in height shall be constructed in a manner which provides openings to allow the free flow of air through that portion of the fence. The openings shall be evenly distributed with the pertinent portion of the fence and shall equal not less than twenty-five (25) percent of the aggregate surface area of the portion of the fence which exceeds six (6) feet in height.

SECTION 3. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 5. CODIFICATION. The City Council intends hat this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS ___ DAY OF_____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

DRAFT

REZONING/TEXT AMENDMENT APPLICATION

PC No. 4-20

1/27/20 AS/400# 20-100004

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change tot eh text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a $1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: N/A
Telephone: _____
Mailing Address: _____
Fax: _____
_____
E-Mail: _____

Applicant Name: Planning and Development Dept.
Telephone: (904) 247-6231
Mailing Address: 11 North 3rd Street
Fax: _____
Jacksonville Beach, FL 32250
E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____
Telephone: _____
Mailing Address: _____
Fax: _____
_____
E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: N/A

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): N/A

Current Zoning Classification: N/A Future Land Use Map Designation: N/A

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Land Development Code Section 34-346

REQUESTED INFORMATION	Attached? Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature: _____ Date: 1/2/20

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

ORDINANCE NO. 2020-8135

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII, DIVISION 2, SECTION 34-346 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD MOBILE FOOD VENDORS TO PERMITTED USES IN INDUSTRIAL DISTRICT: I-1 ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, 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; and Chapters 163 & 166, Florida Statutes; and

WHEREAS, the City of Jacksonville Beach Planning Commission considered the ordinance permitting the operation of Mobile Food Vendors as a permitted use in Industrial: I-1 zoning districts at a noticed, public hearing on January 27, 2020, and has made positive recommendation to the City Council; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and public testimony at the public hearings; and

WHEREAS, the City Council finds that Mobile Food Vendors are a popular food option for the public and should be a permitted use in Industrial: I-1 zoning districts in the City and would serve the general welfare and benefit the City's revenues, residents, businesses and communities; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

SECTION 1. AMENDMENT TO SECTION 34-346, CODE OF ORDINANCES.[1] That Chapter 34, Article VII, Division 2, Section 34-346. Industrial district: I-1, Paragraph (b)

[1] Strikethrough text indicates deletions, underline text indicates additions.

Permitted uses of. of the Comprehensive Land Development Code of the City of Jacksonville Beach, Florida, is hereby amended by adding a new Subparagraph (21), which shall henceforth read as follows:

Sec 34-346. Industrial district: I-1

(b) *Permitted uses*

(21) Mobile food vendors as defined in and in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 2. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 4. CODIFICATION. The City Council intends that this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS ____th DAY OF _____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk