



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, October 10, 2022

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.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

A. Regular Planning Commission Meeting held on September 12, 2022

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **PC#18-22 Rezoning Amendment Application for Redevelopment District: RD**
Dolphin Depot Redevelopment District: RD Zoning District
704 1st Street North, 705 2nd Street North, & 0 7th Avenue North

PLANNING DEPARTMENT REPORT

ADJOURNMENT

NOTICE

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it 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. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Case Number, and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to planning@jaxbchfl.net, (2) Postal mail to Planning and Development, Planning Commission - Public Comment, 11 3rd Street North,

Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Commission and attached to the related agenda item before the start of the meeting. All comments received are public record.

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 no later than one business day before the meeting.

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.

**Minutes of Planning Commission Meeting
held Monday, September 12, 2022, 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 Chair Margo Moehring.

ROLL CALL

Chair: Margo Moehring
Vice-Chair: Colleen White
Board Members: David Dahl Greg Sutton Justin Lerman
Alternate: Emily Stouffer Nicholas Andrews

Senior Planner Christian Popoli and Administrative Assistant Callie Rayeski were also present.

APPROVAL OF MINUTES:

The following minutes were passed unanimously by a voice vote:

- August 22, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) **PC# 20-22** Conditional Use Application
Owner: 831 First Street North, LLC
C/O Vera Duren
77 Hargrove Grade
Palm Coast, FL 32137

Applicant: Vera Duren
77 Hargrove Grade
Palm Coast, FL 32137

Location: 831 1st Street North

Conditional Use Application for transfer of outdoor restaurant seating at an existing restaurant and new conditional use approval for package sale of beer and wine for property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34- 342(d)4 & 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

Senior Planner Christian Popoli summarized the following report for the record:

The subject property is an existing restaurant located in the C-1 zoning district and is located on the southeast corner of the intersection of 1st Street North and 8th Avenue North, adjacent to the Atlantic

Ocean. The proposed Conditional Use would allow for the continued use of the existing outside seating and allow for the sale of packaged beer and wine for off-premise consumption. The site is the former location of Southern Kitchen, and prior to that, it was Seachasers. The site has several past approvals, including relief from parking standards related to a rear addition. The approval of these conditional use applications will not negligibly affect the surrounding area.

Adjacent uses include multifamily to the north, south, east, and west. The proposed use of 2 outside restaurant seating and package sales is consistent with the C-1 zoning standards and has been consistent with surrounding commercial development.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Applicant:

Vera Duren, 77 Hargrove Grade, Palm Coast, described the project. She distributed copies of menus [on file] to the Board.

Public Hearing:

The following spoke in support of the application:

- Julia Donoghue, 111 25th Avenue South, Jacksonville Beach
- Laura Goldey, 122-D 4th Avenue North, Jacksonville Beach

Ms. Moehring closed the public hearing.

Discussion:

A brief discussion ensued about parking.

Ms. Duren stated she hired a valet parking company to assist on busy nights.

Motion: It was moved by Mr. Sutton and seconded by Mr. Lerman to approve PC# 20-22.

Roll Call Vote: Ayes – David Dahl, Greg Sutton, Colleen White, Justin Lerman, and Margo Moehring

The application was unanimously approved.

(B) PC# 21-22 Conditional Use Application
Owner: ALO Management LLC
317 North Roscoe Boulevard
Ponte Vedra Beach, FL 32082

Applicant: Colton Bristow
2438 Blackbeard Drive
Jacksonville, FL 32224

Location: 391 1st Avenue North

Conditional Use Application for a transfer of automotive repair shop (except top, body, and upholstery repair and paint shops) for a property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The property is located at the northeast corner of 1st Avenue North and 4th Street North. The property was previously approved for Conditional Use for automotive repair in 2012. The proposed use would be a continuation of the previous automotive repair use. The site includes a metal industrial building with a fenced parking area. Based on the Property Appraisers data, the structure was built in 1988. The applicant is proposing to use the structure, as it has been in the past, for automotive repair, with the prescribed limitations for the C-1 zoning district.

Adjacent uses include a commercial catering facility to the east, multifamily uses to the north, behind the building, a large church complex to the west, including a school, and an undeveloped lot used for parking and storage to the south. The proposed use of automotive repair is consistent with the C-1 zoning standards and is consistent with surrounding commercial and institutional development.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Applicant:

Colton Bristow, 2438 Blackbeard Drive, Jacksonville, described the business.

Public Hearing:

The following spoke in support of the application:

- Jennifer Peaco, 1507 Declaration Drive, Jacksonville Beach
- Troy Hobbs, 334 2nd Avenue North, Jacksonville Beach

Ms. Moehring closed the public hearing.

Discussion:

A brief discussion ensued about the property.

Motion: It was moved by Mr. Sutton and seconded by Mr. Dahl to approve PC# 21-22.

Roll Call Vote: Ayes – Greg Sutton, Colleen White, Justin Lerman, David Dahl, and Margo Moehring

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

Mr. Popoli stated the Board would see the updated Adventure Landing application this week in advance of the September 26, 2022, hearing. He offered the Board the opportunity to schedule individual meetings to review the application.

The next scheduled meeting is Monday, September 26, 2022. There are two scheduled cases.

ADJOURNMENT

There being no further business, Ms. Moehring adjourned the meeting at 7:24 P.M.

Submitted by: Callie Rayeski
Administrative Assistant

These minutes were reviewed by Planning and Development.

Approval:

Chairperson

Date



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PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Heather Ireland, Director Planning and Development Department
DATE:	09/01/2022
SUBJECT:	October 10, 2022 Planning Commission Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, October 10, 2022 Planning Commission Meeting.

NEW BUSINESS:

**PC#18-22 Redevelopment District: RD Zoning Amendment Application - Dolphin Depot Redevelopment
704 1st Street North & 705 2nd Street North & 0 7th Avenue North**

OWNER: Jax Beach II, LLC
177 4th Avenue North, Suite 200
Jacksonville Beach, FL 32250

APPLICANT: Jax Beach II, LLC
177 4th Avenue North, Suite 200
Jacksonville Beach, FL 32250

AGENT: Driver, McAfee, Hawthorn, & Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, FL 32202

LOCATION: 704 1st Street North, 705 2nd Street North & 0 7th Avenue North

REQUEST: Redevelopment District: RD Zoning District Amendment Approval for the Dolphin Depot Property

COMMENTS: The subject property is comprised of three separate but contiguous vacant parcels located on the city block bound by 1st and 2nd Streets North and 6th and 7th Avenues North. The property does not include the existing multiple-family residential building at 160 7th Avenue North. The subject property is under new ownership as of October of 2021 and the new owner/developer desires to develop the property as originally imagined under a 2015 rezoning application, and 2017 amendment, with some minor modifications to the commercial



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component to the project.

A previous owner applied to rezone the property to Redevelopment District: RD in 2012 to accommodate a mixed-use multiple-family residential and commercial project. That project was never constructed, and in 2015 a new applicant applied to amend the RD zoning to accommodate a mixed-use, multiple-family residential and commercial development to take advantage of a vested height of 68 feet. The 2015 RD zoning amendment project had 54 residential units, 36 hotel rooms, and 2,500 square feet of retail. In 2017, the previous property owner applied to further amend the RD zoning to accommodate 54 residential units, 57 hotel rooms, and approximately 2,500 square feet of commercial space on the same footprint as the 2015 application. Additionally, the 2017 application proposed a different architectural style than the 2015 application.

The current owner of the property plans to develop the site as originally approved in 2016 and modified in 2017 with some additional minor modifications. The project is still proposed to have 54 multiple-family dwelling units and 57 hotel rooms with an added integrated restaurant space of approximately 4,000 square feet including outdoor seating, and approximately 1,000 sq. ft of retail space. The proposed building height is 67 feet 6 inches, which is permitted through a negotiated settlement with a previous owner. The building's footprint remains unchanged, and parking will be provided through both surface and structured parking. An updated building elevation is provided in Exhibit 3 of the application, and does not significantly differ from the 2017 RD Zoning amendment application.

Both the 2015 and 2017 RD Zoning applications were found to be consistent with the Jacksonville Beach Community Redevelopment Plan, and this proposed minor modification to the RD zoning maintains that consistency. Staff recommends **approval** of the rezoning amendment application.

The Community Redevelopment Agency (CRA) discussed the Redevelopment District: RD Zoning Amendment Request at their regular meeting held on September 26th 2022 and found the request **consistent** with the Downtown Redevelopment Plan. The CRA recommended **approval** of the RD Zoning Amendment Request with the following conditions: 1.) The applicant reviews the site plan for opportunities to relocate the dumpster, and 2.) The applicant identifies opportunities to visually enhance the first street side of the building with art or decorative lighting.

In accordance with Sec. 286.0105, Fla. Stat., any person who desires to appeal any decision made by the commission at this meeting will need a record of the proceedings. For such purpose, he or she 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.



REZONING APPLICATION

RECEIVED

JUL - 8 2022

PC No. 18-22
AS/400# 22-100090
PC HEARING 8/22/22

This form is intended for use by persons applying for a change in the boundaries of a specific property or group of properties under the person or persons control. A rezoning 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 may be approved except in conformance with the Jacksonville Beach 2030 Comprehensive Plan Elements. An application for a rezoning 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. A separate fee for advertising costs will be assessed accordingly.

APPLICANT INFORMATION

Land Owner's Name: Jax Beach II LLC
Mailing Address: 177 4th Avenue North, Suite 200, Jacksonville Beach, FL 32250

Telephone: _____
Fax: _____

Applicant Name: Jax Beach II LLC
Mailing Address: 177 4th Avenue North, Suite 200, Jacksonville Beach, FL 32250

E-Mail: _____

Telephone: _____

Fax: _____

E-Mail: _____

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

Agent Name: Driver, McAfee, Hawthorne & Diebenow, PLLC
Mailing Address: One Independent Drive, Suite 1200, Jacksonville, FL 32202

Telephone: (904) 807-0185

Fax: _____

E-Mail: ctrimmer@drivermcafee.com

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: 173944 0000 174257 0000 174255 0000

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

Current Zoning Classification: RD Future Land Use Map Designation: Commercial

Proposed Zoning Classification: RD

REQUIRED 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" x 11" 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.		☒	☐

Applicant Signature: [Signature] Date: 7/7/2022

Agent Authorization

City of Jacksonville Beach Planning and Development Department
City Hall First Floor
11 North Third Street
Jacksonville Beach, Florida 32250

Re: Agent Authorization for 705 2nd Street North, 704 1st Street North, and 0 7th Avenue North (RE#s 173944 0000; 174257 0000; 174255 0000)

Ladies and Gentlemen:

You are hereby advised that Matthew S. McAfee, as manager of Contega Business Services, LLC, a Florida limited liability company, the sole manager of Nueces LLC, a Florida limited liability company, the sole manager of Jax Beach II LLC, a Florida limited liability company, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC, to act as agent to file an application for rezoning, modification to rezoning, and such other entitlements as may be required 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 as submitted to the Jacksonville Beach Planning and Development Department.

JAX BEACH II LLC, a Florida limited liability company

By: NUECES LLC, a Florida limited liability company, its sole manager

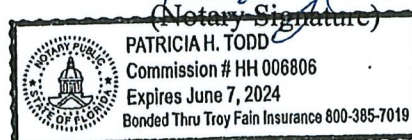
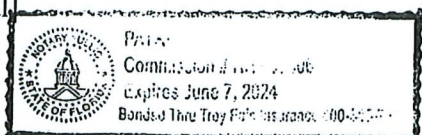
By: CONTEGA BUSINESS SERVICES, LLC, a Florida limited liability company


Matthew S. McAfee, its manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27 day of June, 2022 by, Matthew S. McAfee manager of Contega Business Services, LLC, a Florida limited liability company, the sole manager of Nueces LLC, a Florida limited liability company, the sole manager of Jax Beach II LLC, a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



NARRATIVE DESCRIPTION

DOLPHIN DEPOT REDEVELOPMENT

August 31, 2022

I. Introduction:

This rezoning to Redevelopment District (“RD”) is for the Dolphin Depot property located at 705 2nd Street North, 704 1st Street North, and 0 7th Avenue North (RE#s 173944 0000, 174257 0000, and 174255 0000) (collectively, the “Property”) as more particularly described in the legal description attached hereto as Exhibit 1. The Property has a history of redevelopment efforts including rezoning to RD district by Ordinance 2016-8070, as amended by Ordinance 2017-8089. This RD filing provides an updated narrative description to reflect the current programming for the project with the corresponding site plan and building elevation drawing attached hereto as Exhibit 2 and Exhibit 3, respectively. Items such as colors and materials shown on these exhibits are conceptual and may be updated throughout the design and buildout of the Property.

II. RD Requirements:

1. *An 8 1/2” x 11” vicinity map identifying the Property proposed for amendment:*

See attached Exhibit 4.

2. *An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked:*

See attached Exhibit 5.

3. *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 in the LDC governing a rezoning:*

A. Existing conditions on the Property:

The Property is bounded on the north by 7th Avenue North, on the east by 1st Street North, on the south by 6th Avenue north, and on the west by 2nd Street North. The Property is currently undeveloped and vacant.

B. Existing surrounding uses:

The surrounding uses are as follows:

North	Single and multi-family residential
East	Hotel, bar and grill
South	Commercial strip center
West	Single-family residential

C. Proposed Mixed-Use Development

Jax Beach II LLC, Owner of the Property, proposes a six (6) story, mixed use project with fifty-four (54) multi-family dwelling units, fifty-seven (57) hotel rooms, integrated restaurant space including outdoor seating, and approximately one thousand fourteen (1,014) square feet of commercial retail space. The project will be heavily amenitized to cater to residents, hotel guests and patrons.

The maximum height for this development is sixty-eight (68) feet subject to providing the required side yard setbacks. As currently proposed, the maximum height is sixty-seven (67) feet six (6) inches. The allowable height is greater than thirty-five (35) feet due to the negotiated settlement with a previous owner and the City of Jacksonville Beach as memorialized in the 2016 and 2017 RD approvals.

Surface parking is provided along with garage parking spaces located on the first and second floors.

D. Consistency with the Jacksonville Beach Community Redevelopment Plan ("CRP"):

The proposed redevelopment is consistent with the general purpose and intent of the CRP and specifically contributes to the following objectives:

General Objectives:

1. Eliminate the conditions of blight and prevent the spread of blighting conditions.
2. Encourage the core downtown area to develop as the center for cultural, entertainment and community activities within the City.
3. Provide for reasonable plan flexibility in accommodating unforeseen private sector initiatives and future economic trends, consistent with these redevelopment objectives.

Economic Objectives:

1. Increase the tax base in the Community Redevelopment Area to assist in financing public actions to support redevelopment.
2. Encourage the re-creation of a compact mixed-use core area, oriented to recreation, entertainment, specialty retail tourism and housing.

Land Use Objectives:

1. Encourage the development of a mix of activities in the core area including residential, retail, hotel and office.

2. Control the amount of land zoned for commercial use to stabilize predominately residential areas and concentrate commercial activity in the core area.

Circulation and Parking Objectives:

1. Promote greater pedestrian circulation in the core area particularly along 1st Street and the boardwalk.
2. Maintain the existing street pattern with improvements as necessary to accommodate new development.

Urban Design Objectives:

1. Promote standards of high quality in new development and rehabilitation consistent with the desired image of Jacksonville Beach.
2. Promote compatibility and integration among public and private developments.

E. Consistency with the LDC applicable to RD zoning. A preliminary development plan for a RD zoning district designation shall comply with the following standards:

1. *Land Area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
2. *Permitted Uses:*
 - a. Multi-family residential dwellings, including apartments and condominiums.
 - b. Hotels and motels.
 - c. Restaurants with outdoor sale and service, including roof top service.
 - d. Miscellaneous amusement and recreation services.
 - e. Any other permitted or accessory use within Sections 34-342(b) and (c) of the C-1 zoning district, attached hereto as Exhibit 6.
3. *Prohibited Uses:* The uses specifically prohibited in Section 34-347(c)(3)i.2.ii of the RD zoning district regulations, attached hereto as Exhibit 7, shall not be permitted.
4. *Conditional Uses:* This RD adopts the conditional uses reflected in Section 34-342(d) of the C-1 zoning district, attached hereto as Exhibit 6, unless otherwise modified by the permitted and prohibited uses herein. Bars, lounges, nightclubs, taverns or other drinking places may include outdoor sale and service, including

roof top service, and may be located on the Property notwithstanding the distance requirements in section 34-393(2) or the supplemental requirements in section 34-407(a) and (b).

5. *Dimensional Standards:*

- a. Minimum lot area and width: None.
- b. Minimum yards:
 - i. Front (6th Avenue North): None.
 - ii. Side (1st and 2nd Street North): None; provided, however, that two (2) feet of total side yard setback shall be provided for each foot the primary structure exceeds thirty-five (35) feet.
 - iii. Rear (7th Avenue North): None.
- c. Maximum floor area: None.
- d. Maximum lot coverage: Ninety-two percent (92%).
- e. Maximum height: Sixty-eight (68) feet, subject to the side yard setback requirements.

6. *Off-street parking and loading:* A minimum of one hundred eighty-two (182) parking spaces shall be provided based upon the following requirements:

Use	Ratio	Spaces Required
Multi-family	2 spaces per unit for a total of 54 units	108
Hotel ¹	1.25 spaces per unit for the first 50 units and one space per each additional unit for a total of 57 units	70
Retail	4 spaces per 1,000 square feet for a total of 1,014 square feet	4

Parking for all other uses shall be provided as required in Article VIII, Division 1 of the LDC. A maximum of twenty-five percent (25%) of parking spaces may be compact spaces, which shall be no smaller than 8' x 16'. A minimum of one (1) on-

¹ The City of Jacksonville Beach's Land Development Code (the "LDC") defines "hotel" as "a building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants, in which four (4) or more rooms are furnished for the accommodation of such guests; whether or not having one (1) or more dining rooms, restaurants or cafes where meals are served. Such sleeping accommodations and dining rooms, restaurants or cafes, and accessory uses such as gift shops, barber shops or other services primarily intended for the use of the hotel guests, being conducted in the same building or accessory buildings in connection therewith."

site loading space shall be provided, and on-street loading may be utilized in accordance with Ordinance 2020-8152.

7. *Open space requirements:* All residential developments shall provide common open space for amenities or recreational purposes as required by the RD zoning district, attached hereto as Exhibit 7.
8. *Signage:* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape standards:* Landscaping shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3; provided, however, that the required landscape buffer adjacent to the north portion of the western property boundary (contiguous to 160 7th Avenue North) shall be reduced from seven (7) feet to two and one-half (2.5) feet.
10. *Environmental:* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
11. *Utility easements:* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
12. *Adequate public facilities:* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development consistent with the provisions set forth in Article X, Adequate Public Facility Standards.
13. *Comprehensive plan consistency:* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.
14. *Time limitations:* As required by Section 34-347(c)(3)m of the RD zoning district regulations.
15. *Applicant and professionals:*

Applicant: Jax Beach II LLC
177 4th Avenue North, Suite 200
Jacksonville Beach, FL 32250

Agent: Steve Diebenow and Cyndy Trimmer
Driver, McAfee, Hawthorne & Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, FL 32202
sdiebenow@drivermcafee.com
ctrimmer@drivermcafee.com
(904) 301-1269

Civil Engineer: Joe Mecca and Taylor Hill
Kimley Horn and Associates, Inc.
12740 Gran Bay Parkway West, Suite 2350
Jacksonville, FL 32258
Joe.mecca@kimley-horn.com
taylor.hill@kimley-horn.com
(904) 828 3924 / (904) 828-3919

Architect: Melissa Smith
Dynamik Design
5901 Peachtree Dunwoody Road
Building C, Suite 250
Atlanta, GA 30328
msmith@dynamikdesign.com
(678) 506-8830

EXHIBIT 1

LEGAL DESCRIPTION

Parcel One:

Lots 46, 47, 48 and 49, Flagler Tract, according to the plat thereof recorded in Plat Book 15, page 50, Public Records of Duval County, Florida.

Parcel Two:

Lots 1 and 2, Block 72, Lot 7, Block 72 except that part conveyed in Official Records Book 170, page 518; and the north 50 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, the alley abandoned by Ordinance No. 7298.

Parcel Three:

A part of Lot 7, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

The south 75 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Parcel Two and Parcel Three combined described as follows:

Lots 1, 2, 7 and 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 7075 in the Certificate of Title recorded in Official Records Book 6942, page 815, Public Records of Duval County, Florida.

This instrument prepared by
and return to:

M. Lee Johnsey, Jr.,
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203-4642

Parcel Identification No.: 173944-0000
174255-0000
174257-0000

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed as of the 8th day of October, 2021, by DOLPHIN DEPOT, LLC, a Florida limited liability company, whose address is 930 3rd Street, Neptune Beach, FL 32266 (collectively, the "Grantor") to JAX BEACH II LLC, a Florida limited liability company, whose address is 177 4th Avenue N, Jacksonville Beach, FL 32250 ("Grantee").

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its successors and assigns forever, the property located in Duval County, Florida described on Exhibit "A" attached hereto (collectively, the "Real Property").

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining;

TO HAVE AND TO HOLD, the same in fee simple forever;

SUBJECT TO those matters shown on Exhibit "B" attached hereto (Permitted Exceptions), if any,,; existing zoning ordinances and other restrictions as may be imposed by applicable governmental authority; matters which would be shown on a current survey; and taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable; and

SUBJECT TO the matters described above, Grantor specially warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

The Property is not the homestead of the Grantor.

IN WITNESS WHEREOF, Grantor has executed under seal this Special Warranty Deed on the day and year set forth herein above.

Signed, sealed and delivered in the presence of:

GRANTOR:

DOLPHIN DEPOT, LLC, a Florida limited liability company

By:

M. Anthony Roffino
M. Anthony Roffino, Authorized Signatory

Name Printed:

John Eckstein

Name Printed:

John Hidalgo

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 7 day of October, 2021, by means of ☒ physical presence or ☐ online notarization, by M. Anthony Roffino, Authorized Signatory of DOLPHIN DEPOT, LLC, a Florida limited liability company. He is ☐ personally known to me or who ☒ has produced Drivers License as identification.

(NOTARY SEAL)

Kristina Hammons
(Notary Signature)

Kristina Hammons
(Notary Name Printed)

Notary Public Commission No. 1659867



Kristina Hammons
Notary Public, State of Florida
My Comm. Expires 05/03/2025
Commission No. 1659867

Exhibit "A"

Parcel One:

Lots 46, 47, 48 and 49, Flagler Tract, according to the plat thereof recorded in Plat Book 15, page 50, Public Records of Duval County, Florida.

Parcel Two:

Lots 1 and 2, Block 72, Lot 7, Block 72 except that part conveyed in Official Records Book 170, page 518; and the north 50 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, the alley abandoned by Ordinance No. 7298.

Parcel Three:

A part of Lot 7, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida, being more particularly described as follows:

Beginning at a point where the east line of the right of way of the Florida East Coast Railway crosses the north line of Mier Avenue; thence running east 75 feet to the east line of said Lot 7; thence North along the east line of said Lot 7 a distance of 77 feet to a point; thence west to a point in the west line of said Lot 7 (which point is 80 feet north of said Mier Avenue); thence South along the west line of said Lot 7, a distance of 80 feet to the Point of Beginning.

and

The south 75 feet of Lot 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Parcel Two and Parcel Three combined described as follows:

Lots 1, 2, 7 and 8, Block 72, Pablo Beach North, according to the plat thereof recorded in Plat Book 3, page 28, Public Records of Duval County, Florida.

Together with that certain abandoned alley lying south of Lots 1 and 2 and north of Lots 7 and 8, Block 72, said Pablo Beach North, abandoned by Ordinance No. 7298 (said Ordinance referred to as Ordinance No. 7075 in the Certificate of Title recorded in Official Records Book 6942, page 815, Public Records of Duval County, Florida.

Exhibit "B"

PERMITTED EXCEPTIONS

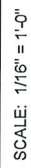
1. Recorded Notice of Environmental Resource Permit as set forth by instrument recorded in Official Records Book 19139, page 1148.

EXHIBIT 2

SITE PLAN

EXHIBIT 3

BUILDING ELEVATION DRAWING



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EXHIBIT 4
VICINITY MAP

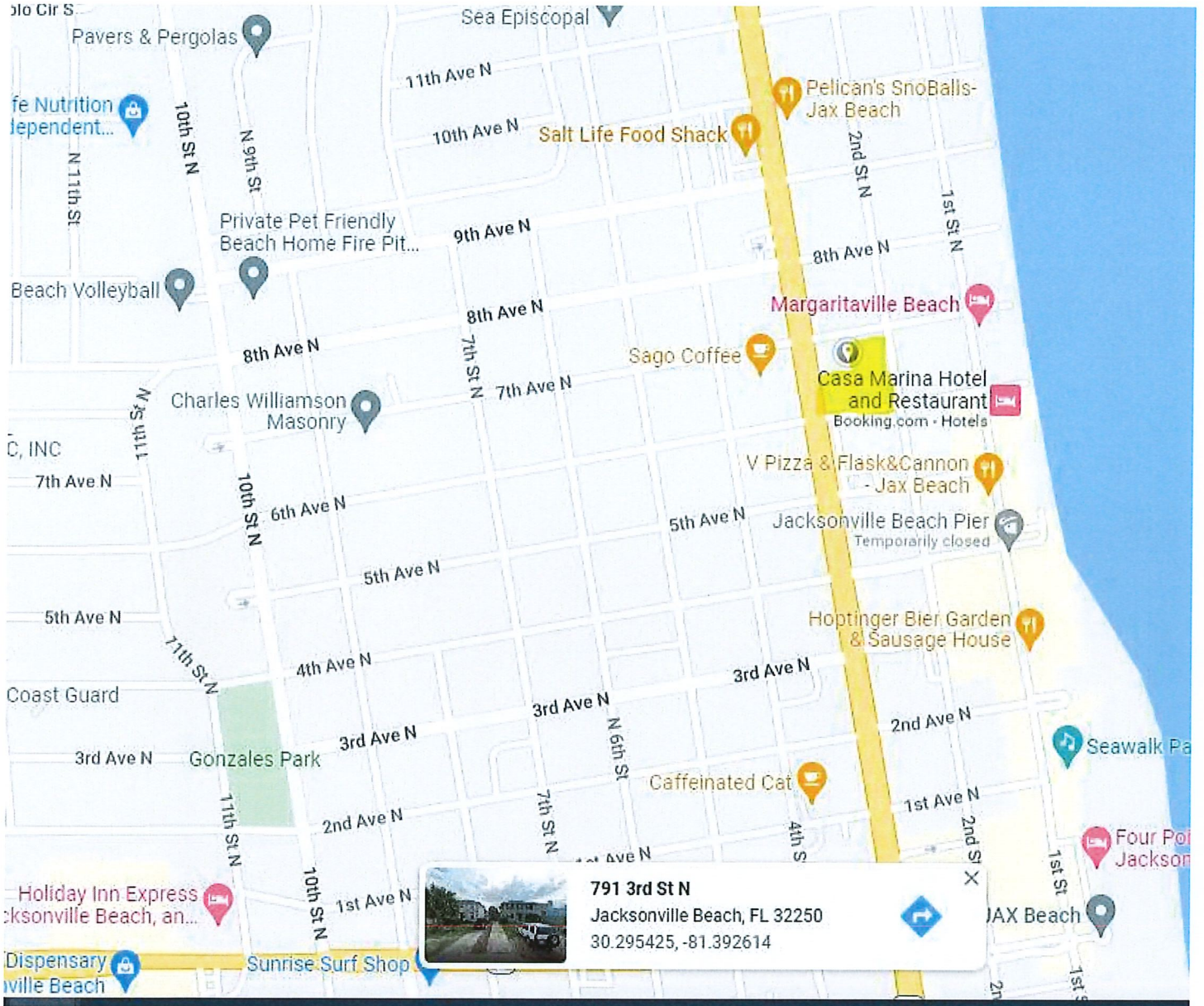


EXHIBIT 5

AERIAL PHOTOGRAPH



EXHIBIT 6

C-1 ZONING DISTRICT

Sec. 34-342. Commercial limited: C-1.

- (a) *Purpose.* The commercial limited (C-1) zoning district is intended to implement the commercial land use district in the comprehensive plan. It is intended to apply to commercial areas that can exist within close proximity to residential areas without creating an adverse effect on the development and character of such areas.
- (b) *Permitted uses.* The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the C-1 zoning district. Buildings or developments containing single or multiple uses listed herein and which exceed 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.
- (1) Business and professional offices as follows: Building contractors and subcontractors (no storage of vehicles, material or equipment); veterinary services for animal specialties; landscape architects; doctors, dentists, home health care services, and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
 - (2) Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.
 - (3) Jewelry and leather products manufacturing, in conjunction with the retail sale of the manufactured products on the same site.
 - (4) Travel agencies.
 - (5) Business offices for communications and utility services (no storage of vehicles, materials, or equipment).
 - (6) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.
 - (7) Restaurants, except drive-ins; and outdoor restaurants less than or equal to two hundred fifty (250) square feet if alcohol is not served.
 - (8) Financial institutions, insurance and real estate offices.
 - (9) Hotels and motels.
 - (10) Rooming and boarding houses.

- (11) Personal service establishments as follows: Laundry, cleaning and garment services; photography studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; tax preparation services; and miscellaneous personal services.
 - (12) Business service establishments as follows: Advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; building services; medical and other equipment rental and leasing; personnel supply, excluding labor and manpower pools and similar temporary help services; computer programming, data processing and other computer services; and miscellaneous business services.
 - (13) Automotive rental and leasing.
 - (14) Electrical repair shops and watch, clock and jewelry repair shops.
 - (15) Motion pictures theaters, except drive-in, and video tape rental.
 - (16) Amusement and recreation services as follows: Dance studios and schools; bowling centers; physical fitness facilities; coin operated amusement devices; and membership sports and recreation clubs.
 - (17) Medical and dental laboratories.
 - (18) Child day care services.
 - (19) Adult day care services.
 - (20) Museums and art galleries.
 - (21) Membership organizations, including religious organizations.
 - (22) Government use.
 - (23) Type I home occupations.
 - (24) Auxiliary dwelling unit.
 - (25) Miscellaneous repair shops and related services as follows: Camera, luggage, sewing machine, musical instrument, and precision instrument repair, piano and organ tuning and repair, locksmith, gunsmith, picture framing, and china and pottery decorating and firing to individual order.
 - (26) Mobile food dispensing vehicle as defined in and in accordance with the provisions of section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
 - (27) Short-term vacation rentals.
- (c) *Accessory uses.* The following uses are permitted as accessory uses in the C-1 zoning district.
- (1) Any use customarily accessory to the permitted and conditional uses in the C-1 zoning district.

- (d) *Conditional uses.* The following uses are permitted as conditional uses in the C-1 zoning district, subject to the standards and procedures established in section 34-221 et seq.
- (1) Job or quick print commercial printing.
 - (2) Motor vehicle dealers, new and/or used; auto and home supply stores; gasoline service stations; and boat, recreational vehicle and motorcycle dealers.
 - (3) Bar, lounge, nightclub, tavern or other drinking place.
 - (4) Package liquor store.
 - (5) Camps and recreational vehicle parks.
 - (6) Carwashes and automotive repair; except top, body and upholstery repair and paint shops.
 - (7) Funeral homes.
 - (8) Drive in motion picture theaters.
 - (9) Amusement parks.
 - (10) Hospitals, and nursing and personal care facilities.
 - (11) Essential public services.
 - (12) Educational services.
 - (13) Golf courses.
 - (14) Cemeteries.
 - (15) Multiple family dwellings, subject to section 34-339 residential, multiple family: RM-1, except that the maximum building height shall be determined in accordance with paragraph (e)(6) of section 34-342, and that for properties located east of 3rd Street, the minimum lot size shall be determined in accordance with paragraph (e)(3)a. of section 34-340.
 - (16) Mobile home parks.
 - (17) Commercial recreation facilities such as shooting galleries, outdoor skating rinks, amusement parks, go kart tracks, miniature golf courses and similar outdoor uses.
 - (18) Type II home occupations.
 - (19) Microbrewery.
 - (20) Outdoor restaurants or bars.
 - (21) Miscellaneous repair shops and related services as follows: Taxidermist, lawnmower repair, and window and blind fabrication and repair.
 - (22) Pharmacy.
 - (23) Medical marijuana treatment center dispensing facilities.

- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the C-1 Zoning District.
- (1) *Minimum lot area:* None.
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - c. *Rear yard:* None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
 - (4) *Floor area:* None.
 - (5) *Maximum lot coverage:* Eighty-five (85) percent.
 - (6) *Height:* Thirty-five (35) feet.
 - (f) *Off-street parking and loading.* The off-street parking and loading standards for the C-1 zoning district are found in Article VIII, Division 1.
 - (g) *Supplemental standards.* The supplemental standards for the C-1 zoning district are found in Article VIII, Division 2.
 - (h) *Landscape standards.* The landscape standards for the C-1 zoning district are found in Article VIII, Division 3.
 - (i) *Sign standards.* The sign standards for the C-1 zoning district are found in Article VIII, Division 4.
 - (j) *Environmental standards.* The environmental standards for the C-1 zoning district are found in Article VIII, Division 5.
 - (k) *Prohibited use.* The business of outdoor advertising.
- (Ord. No. 7500, § 7.2(G), 8-19-91; Ord. No. 96-7681, § 2, 10-21-96; Ord. No. 96-7689, § 2, 12-16-96; Ord. No. 97-7695, § 1, 2-3-97; Ord. No. 99-7774, § 4, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2002-7838, § 2, 7-15-02; Ord. No. 2003-7860, §§ 3, 4, 10-6-03; Ord. No. 2003-7861, § 1, 10-6-03; Ord. No. 2005-7899, § 4, 4-4-05; Ord. No. 2005-7904, § 1, 6-20-05; Ord. No. 2011-7999, § 1, 5-16-11; Ord. No. 2014-8042, § 2, 2-3-14; Ord. No. 2015-8065, § 10, 12-7-15; Ord. No. 2018-8104, § 3, 2-19-18; Ord. No. 2019-8118, § 10, 9-16-19; Ord. No. 2020-8145, § 4, 9-21-20; Ord. No. 2021-8168, § 3, 2-7-22)

EXHIBIT 7

RD ZONING DISTRICT

Sec. 34-347. Redevelopment district: RD.

- (a) *Purpose and intent.* The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan.
- (b) *RD zoning district boundaries.*
 - (1) *General.* The RD zoning district boundaries include all lands lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A-1-A), and Ninth Avenue North.
 - (2) *Subdistricts.* The boundaries of the RD zoning district may be further described by the following subdistricts:
 - a. *Downtown subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: First Avenue South, Third Street (State Route A1A), and Fifth Avenue North.
 - b. *North subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Fifth Avenue North, Third Street (State Route A1A), and Ninth Avenue North.
 - c. *South subdistrict:* That portion of the RD zoning district lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A1A), and First Avenue South.
- (c) *Procedure.*
 - (1) *General overview.* Land that is not zoned RD but seeks to be rezoned to Redevelopment District: RD must comply with Article VI, Division 3 standards and must also receive approval of a preliminary development plan pursuant to the procedures and standards of this section. The preliminary development plan for an RD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of section 34-251 et seq.
 - (2) *Preapplication conference.*
 - a. *Submission of application.* Before submitting an application for rezoning and preliminary development plan for RD zoning district classification, an applicant

shall request in writing a preapplication conference with the planning and development director. Accompanying the request for a preapplication conference shall be an application in the form established by the planning and development director and made available to the public, and a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of the preapplication conference.

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

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

- a. *Submission of application.* Following the preapplication conference, an application for rezoning and a preliminary development plan for RD zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.

- b. *Contents of application.* The rezoning and preliminary development plan application shall include the following information:
1. The names, address, and telephone number of the owners of record of the land proposed for development.
 2. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.
 3. The name, address and telephone number of the agent of the applicant, if there is an agent.
 4. The name, address, and telephone number of the all land use, environmental, engineering, economic, or other professionals that are assisting with the application.
 5. The name, address and legal description of the land on which the preliminary development plan is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.
 6. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries already marked.
 7. An eight and one-half (8½) by eleven (11) vicinity map locating the proposed land for development.
 8. A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.
 9. A statement of the applicant's intentions with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.
 10. A description of the proposed development, including:
 - i. The number and type of residential dwelling units.
 - ii. The approximate gross density for the residential development.
 - iii. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
 - iv. Calculations showing the total lot coverage for building and accessory uses.

11. A concept plan showing the location of all proposed buildings, the proposed traffic circulation system, and parking facilities.
 12. A tentative development schedule indicating:
 - i. The approximate date when construction of the development can be expected to begin.
 - ii. The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.
 - iii. The approximate date when each stage of development will be completed.
- c. *Determination of sufficiency.* The planning and development director shall determine if the application is sufficient within ten (10) working days after it is submitted.
1. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 2. When the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this section.
- d. *Review and report.* On the day the application is determined sufficient, the planning and development director shall forward the application to the Jacksonville Beach Redevelopment Agency for its review and recommendation. Within twenty-five (25) working days after the receipt of the application, the Jacksonville Beach Redevelopment Agency shall review the application and prepare a report recommending approval, approval with conditions or denial, based on the standards in section 34-347(c)(3). The planning and development director shall mail a copy of the redevelopment agency report to the applicant on the day the report is completed, along with written notification of the time and place the application will be considered by the planning commission at a public hearing.
- e. *Public hearings.* The planning commission shall hold one (1) public hearing and the city council shall hold two (2) public hearings on a preliminary development plan for a RD zoning district classification when the amendment would affect five (5) percent or more of the total land area of the city. The second public hearing before the city council shall be held approximately two (2) weeks after the first public hearing. The day, time, and place at which the second city council public hearing will be held shall be announced at the first public hearing. The planning commission and the city council each shall hold at least one (1) public hearing on a proposed preliminary development plan for a RD zoning district when that

amendment would affect less than five (5) percent of land in the city. The public hearings shall be held after 5:00 p.m. on a weekday.

- f. *Notice.* The planning and development director shall provide notice of the public hearings pursuant to the requirements of section 34-154(b).
- g. *Action by planning commission.* The planning commission public hearing on the application shall be conducted pursuant to the procedures in section 34-151 et seq. At the public hearing, the planning commission shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, comments of the applicant and city staff, and public testimony. After close of the public hearing, the planning commission shall recommend to the city council approval, approval with conditions, or denial of the requested rezoning and preliminary development plan for the RD zoning district classification. In reviewing and making a recommendation, the planning commission shall apply the standards in section 34-211 governing rezonings.
- h. *Action by the city council.*
 - 1. *Scheduling of public hearing.* Upon notification of the recommendation of the planning commission, the application and recommendation shall be forwarded to the city council for the scheduling of a public hearing at the first available regularly scheduled meeting by which time the public notice requirements can be satisfied, or such time as it is mutually agreed upon by the applicant and planning and development director.
 - 2. *Decision.* At the public hearing, the city council shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, the recommendation of the planning commission, and comments of the applicant and city staff. After the close of the public hearing, the city council shall approve, approve with conditions, or deny the rezoning application and preliminary development plan pursuant to the standards in section 34-211.
- i. *Standards.* A preliminary development plan for a RD zoning district designation shall comply with the following standards:
 - 1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
 - 2. *Permitted uses.*
 - i. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.
 - ii. The following uses are specifically prohibited:

- a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
 - b) Outdoor storage yards of any kind, including junk yards.
 - c) Wholesale trade, warehouse, and distribution establishments.
 - d) Cemeteries.
 - e) Mobile home parks.
 - f) Motor vehicle repair, services, and garages.
 - g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
 - h) Petroleum and petroleum products receiving, storage/and distribution.
 - i) Veterinary services and kennels.
 - j) Recreational vehicle or travel trailer parks.
 - k) Commercial and industrial laundries.
 - l) Cold storage and ice processing plants.
 - m) Contract construction establishments.
 - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
5. *Traffic circulation control and parking.*
- i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed

traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.

- ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.
8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.

13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.
- j. *Conditions.* The Jacksonville Beach Redevelopment Agency and the planning commission shall have the authority to recommend, and the city council shall have the authority to impose such conditions on a preliminary development plan for an RD zoning district designation that are necessary to accomplish the purposes of this section, this code, and the comprehensive plan.
- k. *Effect of development order for an RD zoning district designation.* Issuance of a development order for RD zoning district classification shall constitute an amendment to the official zoning map to RD zoning district. It shall also be deemed to authorize the applicant to submit to the planning and development director an application for development permit for the approved preliminary RD development plan pursuant to section 34-251 et seq. No development plan shall be accepted for review and consideration unless the RD zoning district classification and preliminary RD development plan have been approved and remain valid and in effect.
- l. *Recordation.* The adopted Redevelopment District: RD ordinance shall be recorded in the office of the Duval County Clerk, and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the adopted preliminary RD development plan. Failure on the part of the applicant to record the Redevelopment District: RD ordinance within a period of one hundred eighty (180) days following its adoption by the city council shall render the plan invalid.
- m. *Time limitations.* Receipt of a development order for an RD zoning district classification shall expire at the end of one (1) year after the date of its initial approval unless an application for a development permit for a development plan has been submitted to the planning and development director. Only one (1), one-year extension shall be granted for an RD zoning district classification by the city council, upon written application to the planning and development director. Written application requesting the extension shall be submitted to the planning and development director no later than thirty (30) working days before the date that the development order is to expire. Failure to submit an application for a final development plan within the time limits established by this section shall render null and void the development order for the preliminary development plan and RD zoning district classification.
- n. *Minor deviation to preliminary development plan for an RD zoning district designation.* A minor deviation may be made from the preliminary development plan upon written approval of the planning and development director. Minor deviations which shall be authorized are those that appear necessary in light of

technical or engineering considerations first discovered during actual development that are not reasonably anticipated during the initial approval process, and shall be limited to the following:

1. Alteration of the location of any road or walkway by not more than five (5) feet;
 2. Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
 3. Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
 4. Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.
- o. *Amendments to preliminary development plan.* A preliminary development plan may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this section.
- (4) *Development plan.* An application for a development plan shall be submitted within one (1) year of receipt of a development order for RD zoning district classification, or the development order shall become immediately void.

(Ord. No. 7500, § 7.2(L), 8-19-91; Ord. No. 99-7776, § 1, 12-6-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2004-7878, § 1, 7-19-04; Ord. No. 2005-7899, § 7, 4-4-05; Ord. No. 2014-8042, § 6, 2-3-14; Ord. No. 2015-8065, § 15, 12-7-15 ; Ord. No. 2018-8103, § 1, 2-19-18)