



City of Jacksonville Beach

Amended Agenda

City Council

11 North Third Street
Jacksonville Beach, Florida

Monday, February 6, 2023

6:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- A. Regular City Council Meeting held on January 17, 2023
- B. Joint City Council/Community Redevelopment Agency Workshop held on January 30, 2023

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- A. Approve/Disapprove the FY23-24 Community Block Grant Application for the Carver Center
- B. Authorize elected officials to attend the Florida League of Cities Legislative Action Days April 3-5, 2023 in Tallahassee

RESOLUTIONS

- A. Adopt/Deny Resolution No. 2135-2023 amending the Solid Waste Collection and Disposal Fees
- B. Adopt/Deny Resolution No. 2136-2023 amending the CARE Program Policy
- C. Adopt/Deny Resolution No. 2138-2023 approving an Agreement with the American Red Cross for the donation of its Facility to the City of Jacksonville Beach and to accept such donation on behalf of the City of Jacksonville Beach upon such conditions as agreed

ORDINANCES

- A. Approve/Disapprove Ordinance No. 2023-8189 on the second reading amending Chapter 20,

Article IV, Section 20-13(c) "Prohibited Activities" of the City of Jacksonville Beach Code of Ordinances to prohibit the possession and use of certain tobacco and vaping products in public parks and eliminating provisions that are redundant to Section 20-7(a)

- B. Approve/Disapprove Ordinance No. 2023-8190 on the first reading for a text amendment to update Section 34-467 - Flood Hazard Area, of the Land Development Code and schedule a second reading for February 21, 2023
- C. Approve/Disapprove Ordinance No. 2023-8191 on the first reading to repeal Section 7-17 of the Code of Ordinances, and schedule a second reading for February 21, 2023
- D. Approve/Disapprove Ordinance No. 2023-8192 on the first reading for Rezoning for North Beach Townhomes PUD, and schedule a second reading for February 21, 2023
- E. Approve/Disapprove Ordinance No. 2023-8193 on the first reading approving the Downtown CRA Height Incentive, and schedule a second reading for February 21, 2023

ADJOURNMENT

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 City Clerk or 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 a 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.

You may use this website <http://www.jacksonvillebeach.org/publichearinginfo> to find information concerning the hearing process. This information is also available in the City Hall first floor display case.

**Minutes of Regular City Council Meeting
held Tuesday, January 17, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

Council Member Janson provided the invocation, followed by the Pledge of Allegiance.

CALL TO ORDER:

Mayor Pro Tem Nichols called the meeting to order at 6:00 P.M.

ROLL CALL:

Mayor: Christine Hoffman (absent)

Mayor Pro Tem: Cory Nichols

Council Members: Sandy Golding Bill Horn Dan Janson
Fernando Meza Greg Sutton

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Chief Financial Officer Ashlie Gossett, Director of Public Works Dennis Barron, Police Chief Gene Paul Smith, Director of Planning and Development Heather Ireland, Communications Manager Jacob Board, Police Sergeant Brian Wallace, and City Clerk Sheri Gosselin.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, and passed unanimously to approve the following minutes:

- Closed Executive Session held on December 19, 2022
- Regular Council Meeting held on December 19, 2022
- Council Briefing held on January 9, 2023

ANNOUNCEMENTS:

Council Member Golding announced she attended the Martin Luther King Jr. Beaches Celebration hosted by the Rhonda L. Martin Cultural Heritage Center. She announced Beaches Watch would host a State of the Dunes meeting on January 18, 2023. She also mentioned the upcoming Donna Marathon and Half Marathon to be held on February 5, 2023, and encouraged residents to volunteer.

Council Member Meza highlighted the new bike racks on 2nd Avenue North.

Council Member Sutton announced a defense bill passed by Congress would keep at least five of the nine littoral combat ships at Mayport. He recognized [Planning Commission Member] Margo Moehring for receiving the 2022 Regional Leadership Award from the Northeast Florida Regional Council.

COURTESY OF THE FLOOR TO VISITORS:

- Amanda Napolitano, 1018 Buddy Crout Lane, Neptune Beach, presented information [on file] about the 16th Annual DONNA Marathon to be held on February 5, 2023.

MAYOR AND CITY COUNCIL: None

CITY CLERK: None

CITY MANAGER:

Item A Accept/Reject the Monthly Financial Reports for the month of December 2022

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to accept the Monthly Financial Reports for the month of December 2022.

Discussion: *None*

Roll Call Vote: Ayes – Golding, Horn, Janson, Meza, Sutton, Mayor Pro Tem Nichols
The motion passed unanimously.

Item B Award/Reject Bid Number 2122-14 to Hagar Construction for the construction of eight dune walkovers in an amount not to exceed \$2,526,705.00

Director of Public Works Dennis Barron provided background on the item. He recommended Council reject all bids, noting only one bid was received.

Motion: It was moved by Ms. Golding, seconded by Mr. Jason, to reject Bid Number 2122-14 to Hagar Construction for the construction of eight dune walkovers in an amount not to exceed \$2,526,705.00.

Discussion:
A brief discussion ensued about the potential reasons no additional bids were received.

Roll Call Vote: Ayes – Horn, Janson, Meza, Sutton, Golding, Mayor Pro Tem Nichols
The motion to reject passed unanimously.

RESOLUTIONS:

Item A Adopt/Deny Resolution No. 2130-2023 authorizing the City to enter into a Construction and Maintenance Agreement with the Florida Department of Transportation which details ownership of and responsibility for the cost, construction, operation, maintenance, and repair of three new curb ramps along Beach Boulevard at the Intersections of 5th Street South and 4th Street South as part of the FDOT's State Road 212/Beach Boulevard (US 90) from 12th Street to SR A1A Repaving Project

Mayor Pro Tem Nichols requested the City Clerk read Resolution No. 2130-2022 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AUTHORIZING A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION DETAILING OWNERSHIP OF, AND RESPONSIBILITIES FOR, THE COST, CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF THREE NEW CURB RAMPS ALONG BEACH BOULEVARD AT THE INTERSECTIONS OF 5TH STREET SOUTH AND 4TH STREET SOUTH AS PART OF THE DEPARTMENTS STATE ROUTE 212/BEACH BOULEVARD (US90) FROM 12TH STREET TO A1A REPAVING PROJECT, WITH FINANCIAL PROJECT NUMBER 445420-1-52-01; PROVIDING FOR

ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Mr. Barron provided background on the item.

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to adopt Resolution No. 2130-2023 authorizing the City to enter into a Construction and Maintenance Agreement with the Florida Department of Transportation which details ownership of and responsibility for the cost, construction, operation, maintenance, and repair of three new curb ramps along Beach Boulevard at the Intersections of 5th Street South and 4th Street South as part of the FDOT's State Road 212/Beach Boulevard (US 90) from 12th Street to SR A1A Repaving Project.

Discussion:

A discussion ensued about the construction project. Mr. Barron confirmed FDOT would put in the ramps and the City would take over the maintenance.

Roll Call Vote: Ayes – Janson, Meza, Sutton, Golding, Horn, Mayor Pro Tem Nichols
The motion passed unanimously.

Item B Adopt/Deny Resolution No. 2131-2023 adopting the City logo and Brand Standards Manual

Communications Manager Jacob Board provided background on the item.

Mayor Pro Tem Nichols requested the City Clerk read Resolution No. 2131-2023 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ADOPTING AN OFFICIAL CITY LOGO AND THE BRAND STANDARD MANUAL; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to adopt Resolution No. 2131-2023, adopting the City logo and Brand Standards Manual.

Discussion:

A brief discussion ensued about the logo and creative exceptions.

Roll Call Vote: Ayes – Meza, Sutton, Golding, Horn, Janson, Mayor Pro Tem Nichols
The motion passed unanimously.

Item C Adopt/Deny Resolution 2132-2023 supporting the 2023 Florida League of Cities Legislative Platform

City Manager Mike Staffopoulos provided background on the item.

Mayor Pro Tem Nichols requested the City Clerk read Resolution No. 2132-2023 by title only,

whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO SUPPORT THE 2023 FLORIDA LEAGUE OF CITIES LEGISLATIVE PLATFORM; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to adopt Resolution 2132-2023, supporting the 2023 Florida League of Cities Legislative Platform.

Discussion:

A discussion ensued about the legislative platform.

Roll Call Vote: Ayes – Sutton, Golding, Horn, Janson, Meza, Mayor Pro Tem Nichols
The motion passed unanimously.

Item D Adopt/Deny Resolution No. 2133-2023 ratifying, establishing, and amending Police Department extra-duty pay rates

Sergeant Brian Wallace provided background on the item.

Mayor Pro Temp Nichols requested the City Clerk read Resolution No. 2133-2023 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND AMENDING POLICE DEPARTMENT EXTRA-DUTY PAY RATES; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to adopt Resolution No. 2133-2023, ratifying, establishing, and amending Police Department extra-duty pay rates.

Discussion:

A brief discussion ensued about the staffing challenges. Police Chief Gene Paul Smith provided additional comments.

Roll Call Vote: Ayes – Sutton, Golding, Horn, Janson, Meza, Mayor Pro Tem Nichols
The motion passed unanimously.

Item E Adopt/Deny Resolution No. 2134-2023 Amending the Position Classification and Pay Plan for Managerial, Professional and Administrative (Nonunion) Positions

Chief Financial Officer Ashlie Gossett explained this item added a second Accountant position and reclassified other positions in the Accounting Division of the Finance Department.

Mayor Pro Tem Nichols requested the City Clerk read Resolution No. 2134-2023 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING ITS POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL AND ADMINISTRATIVE (NONUNION) POSITIONS; PROVIDING FOR ADOPTION OF RECITALS, ADOPTION OF THE PLAN, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to adopt Resolution No. 2134-2023 Amending the Position Classification and Pay Plan for Managerial, Professional and Administrative (Nonunion) Positions.

Discussion: *None*

Roll Call Vote: Ayes – Golding, Horn, Janson, Meza, Sutton, Mayor Pro Tem Nichols
The motion passed unanimously.

ORDINANCES:

Item A Approve/Disapprove Ordinance No. 2022-8188 on the second reading to establish an Outdoor Dining Pilot Program in the Downtown Incentive Zone

Director of Planning and Development Heather Ireland provided background on the item.

Mayor Pro Tem Nichols requested the City Clerk read Ordinance No. 2022-8188 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 28 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, BY ADDING SECTION 28-12 ESTABLISHING A SIDEWALK DINING PROGRAM IN THE DOWNTOWN INCENTIVE ZONE WITHIN THE DOWNTOWN REDEVELOPMENT DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Pro Tem Nichols read the following: “This ordinance is before this Council for a public hearing and consideration on its second reading. I will now open the public hearing on Ordinance No. 2022-8188.”

Public Hearing:

The following submitted a speaker card in support of the ordinance but did not wish to speak:

- Marc Angelo, 1283 Ponte Vedra Boulevard, Ponte Vedra Beach

Mayor Pro Tem Nichols closed the public hearing.

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve Ordinance No. 2022-8188 on the second reading to establish an Outdoor Dining Pilot Program in the Downtown Incentive Zone.

Discussion:

A discussion ensued about parking and responsibility for the maintenance of the pavers.

Roll Call Vote: Ayes – Horn, Janson, Meza, Sutton, Golding, Mayor Pro Tem Nichols
The motion passed unanimously.

Item B **Approve/Disapprove Ordinance No. 2023-8189 on the first reading amending Chapter 20, Article IV, Section 20-13(c) "Prohibited Activities" of the City of Jacksonville Beach Code of Ordinances to prohibit the possession and use of certain tobacco and vaping products in public parks and eliminating provisions that are redundant to Section 20-7(a), and schedule a second reading for February 6, 2023**

City Attorney Sandra Robinson provided background on the item.

Mayor Pro Tem Nichols requested the City Clerk read Ordinance No. 2023-8189 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-13(c) “PROHIBITED ACTIVITIES” OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO PROHIBIT THE POSSESSION AND USE OF CERTAIN TOBACCO AND VAPING PRODUCTS IN PUBLIC PARKS AND ELIMINATING PROVISIONS THAT ARE REDUNDANT TO SECTION 20-7(a); PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SCRIVENER’S ERRORS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Pro Tem Nichols read the following: “This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2023-8189.”

Public Hearing:

No one came forth to speak. Mayor Pro Temp Nichols closed the public hearing.

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve Ordinance No. 2023-8189 on the first reading amending Chapter 20, Article IV, Section 20-13(c) "Prohibited Activities" of the City of Jacksonville Beach Code of Ordinances to prohibit the possession and use of certain tobacco and vaping products in public parks and eliminating provisions that are redundant to Section 20-7(a), and schedule a second reading for February 6, 2023.

Discussion:

A brief discussion ensued about citations, identified parks, the golf course, and signage.

Roll Call Vote: Ayes – Janson, Meza, Sutton, Golding, Horn, Mayor Pro Tem Nichols.
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:45 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:

Christine H. Hoffman, MAYOR

Date: _____

DRAFT

Minutes of Joint City Council & CRA Workshop
Monday, January 31, 2023 – 5:30 P.M.
City Council Chambers, 1st Floor
11 North 3rd Street, Jacksonville Beach, FL



The Joint City Council and Community Redevelopment Agency (CRA) Workshop began at 5:30 P.M.

The following City Council Members and CRA Members were in attendance:

Mayor: Christine Hoffman

Council Members: Sandy Golding (absent) Bill Horn (late) Dan Janson (absent)
Fernando Meza Cory Nichols Greg Sutton

CRA Chairman: Art Graham

Board Members: Jeffrey Jones David McGraw Gary Paetau
Francis Povloski

Also present were City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Director of Planning and Development Heather Ireland, CRA Coordinator Taylor Mobbs, Electrical Engineering Project Supervisor Matt Seeley, Director of Public Works Dennis Barron and Operations Manager Joe Loretta, and Presenter Kaitlin Heckman of Halff Associates, Inc.

Purpose of Workshop

The purpose of this meeting was to discuss the activities and progress of the Community Redevelopment Agency. The topics presented and discussed were the following:

Quarterly Report

Director of Planning & Development Heather Ireland presented a slideshow (on file) summarizing updates to the Southend District, Downtown District, Pier parking lot enhancements and improved hardscaping and landscaping plans. Ms. Ireland announced the Public Art Advisory Committee selected an artist for the mural on the CAPE (Community Assisted Policing Effort) Building (on file).

Electrical Engineering Project Supervisor Matt Seeley presented the proposed light fixtures and explained their benefits.

Latham Plaza

Ms. Ireland introduced Halff Associates, Inc., as the consultant group to complete the conceptual plan for Latham Plaza. Landscaping Designer & Presenter Kaitlin Heckman provided a handout (on file) outlining the proposed structures and design layouts for Latham Plaza.

A discussion ensued regarding the layouts, signage for Latham Plaza, water features, and play structure options.

The consensus of the Council and the CRA was to move forward with a water feature and a play structure rather than a playground structure.

Parking Lot South of Latham Plaza

Ms. Ireland presented the proposed uses for the Latham Plaza Parking Lot P3 (Public-Private Partnership) Project. She stated there would be no road between the plaza and the new mixed-use development. She requested feedback from the Council for the project.

City Manager Mike Staffopoulous explained the goal for the P3 advertisement is that parking for the public and city employees would be absolute to the project.

The consensus of the Council and the CRA was to build smaller, affordable residential opportunities or office spaces on the upper levels and retail shops or restaurants on the lower level.

Downtown Parking

Ms. Ireland opened the discussion regarding the Downtown Parking Plan and the possibility of a parking structure. A discussion ensued regarding requirements for a parking structure, available spaces, the effects on traffic flow and the economic impact.

The consensus of the Council and the CRA was to revisit the Downtown Parking Plan.

The Workshop adjourned at 7:13 P.M.

Submitted by: Callie Rayeski-Bowling
Administrative Assistant

Approved:

Christine Hoffman, Mayor

Date: _____



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffoppoulos, City Manager
FROM:	Jason Phitides, Director of Parks and Recreation
DATE:	01/10/2023
SUBJECT:	FY23-24 Community Block Grant Application for Carver Center

BACKGROUND

The City of Jacksonville Beach (City) participates with the City of Jacksonville and the other beach cities in sharing the Entitlement Funding our region receives from federal Community Development Block Grants (CDBG). CDBG funding must be expended to improve the quality of life for low and moderate income families. The City's allocation is used to fund the Carver Center Recreation Program.

The funding request is to cover the salaries and benefits for two staff members, the Recreation Supervisor, and the Recreation Leader at the Carver Center.

FINANCIAL IMPACT

The total amount of the grant request is \$140,900.31. Continuing this program at the same service level during FY 2022-2023 requires approximately \$304,232.91. In FY 2022-2023 we requested \$127,887.74 and received 100% of the request for this program.

REQUESTED ACTION

Approve/Disapprove the FY23-24 Community Block Grant Application for the Carver Center

ATTACHMENTS

1. FY23-24 COJ Internal Application
2. Universal Funding Application FY23-24 Budget Form
3. FY23-24 Commitment Letter for Carver CDBG



**Neighborhoods Department
Housing and Community Development Division**

DEPARTMENT INFORMATION

Department: City of Jacksonville Beach Division: Carver Center Recreation Program
Primary Contact Person(s): Jason Phitides Title: Director Parks and Recreation
Telephone No: 904-247-237 E-mail: jphitides@jaxbchfl.net

GRANT REQUEST

☐ **CDBG (select one):**

- ☐ Economic Development
- ☐ Fair Housing
- ☐ Infrastructure
- ☐ Slum and Blight
- ☐ Public Facilities Improvements
- ☒ Public Services

Are you providing a new program, or expanding or improving an existing program to new clients?

- ☐ New
- ☒ Existing Program Expansion and/or Improvement

Amount of Funding Requested: \$ 140,900.31 Total Project Cost: \$ 304,232.91
Projected/Approximate #: of Persons/Participants to be Served 350 / Units to be Served:
Location of proposed service/program/project:

Street Address: 777 5th Avenue South, Jacksonville Beach, FL 32250

Census Tract or Block 014202

Proposed Service/Program/Project meets one of the following National Objectives (select one)

- ☒ Low/moderate income area (LMA) ☐ Low/moderate income clientele (LMC)
- ☐ Slum/blighted area (SBA) ☐ Slum/blighted spot (SBS)

PROJECT DESCRIPTION, DELIVERY AND BUDGET

Describe the program/project being proposed (*if needed, please continue on next page*).

The Carver Center Recreation Program provides a safe environment for the Pablo Beach South children through supervised after-school and summer activities. The program is community driven and expands learning opportunities that support developmentally appropriate cognitive, social, physical and emotional outcomes. In addition, the program

Is this a Construction Project? ☐ Yes ☒ No

If this is a Construction Project, is it shovel ready, (i.e. ready to start)? ☐ Yes ☐ No

If the project has been previously funded provide the following:

Index Code: ERCD1A1 Grant: 08301 Grant Detail: PDC001/20

APPLICATION APPROVED AND SIGNED BY DEPARTMENT DIRECTOR.

To the best of my knowledge and belief, data in this proposal are true and correct and the governing body of the applicant has duly authorized the document.

NAME:	
(Please Print)	(Signature)
TITLE:	DATE SIGNED:
(Department Director)	

NOTE: Attach Budget and required documentation from Funding Source(s) of committed funds to this project/program to be considered matching funds.



Neighborhoods Department Housing and Community Development Division

offers a balance of academic support and recreation. Activities at the Carver Center are geared towards providing opportunities for children to learn, explore and excel at a variety of different skill sets. Activities include sports (basketball, softball, flag football and kickball), homework assistance and special events such as dances, field trips and community days. These activities create opportunities for the community to come together. The Carver Center Recreation Program also provides a place within the target population to assist neighborhood adults and parents with enrollment in public assistance programs and identifying additional resources within the community. A full-time Recreation Supervisor and full-time Recreation Leader manage the program. These positions are year-round and are funded through the Community Development Block Grant awarded to the City of Jacksonville Beach.

APPLICATION APPROVED AND SIGNED BY DEPARTMENT DIRECTOR

NAME: Michael J. Staffopoulos (Signature)

TITLE: City Manager
(Department Director) DATE SIGNED:

**UNIVERSAL FUNDING APPLICATION FISCAL YEAR 2023-2024
BUDGET FORM**

SOURCES OF REVENUES		PROPOSED FY 2023/2024
A. FUNDS REQUESTED		\$ 140,900.31
B. SOURCES OF MATCHING FUNDS		
1. City of Jax Beach		\$ 145,732.60
2. Volunteers		\$ 17,600.00
3. Other		\$ -
TOTAL SOURCES OF REVENUE		\$ 304,232.91

Agency Name: City of Jacksonville Beach

Project Name: Carver Center Recreation Program

Project Type: Public Service

ITEM #	DESCRIPTION OF WORK	TOTAL PROJECT COST	A		B		
			FUNDS REQUESTED		SOURCES OF MATCHING FUNDS		
					City of Jax Beach 1	Volunteers 2	Other 3
1	Salary for Recreation Supervisor	\$ 61,916.40	\$ 61,916.40				
2	Benefits for Recreation Supervisor	\$ 23,129.38	\$ 23,129.38				
3	Salary for Recreation Leader	\$ 38,662.00	\$ 38,662.00				
4	Benefits for Recreation Leader	\$ 17,192.53	\$ 17,192.53				
5	Administrative Expenditures - Personnel Svcs	\$ 4,750.35		\$ 4,750.35			
6	Svcs to Clients Expend - Personnel Svcs (Maintenance)	\$ 8,025.56		\$ 8,025.56			
7	Svcs to Clients Expend - Personnel Svcs (Volunteers)	\$ 17,600.00				\$ 17,600.00	
8	Professional Services	\$ 6,000.00		\$ 6,000.00			
9	Communications Services	\$ 3,500.00		\$ 3,500.00			
10	Utility Services	\$ 10,000.00		\$ 10,000.00			
11	Rentals & Leases	\$ 1,500.00		\$ 1,500.00			
12	Insurance	\$ 3,298.00		\$ 3,298.00			
13	Repair & Maintenance Services	\$ 6,500.00		\$ 6,500.00			
14	Other Current Charges	\$ -		\$ -			
15	Office Supplies	\$ -		\$ -			
16	Operating Supplies	\$ 5,000.00		\$ 5,000.00			
17	Depreciation	\$ 97,158.69		\$ 97,158.69			
18		\$ -					
19		\$ -					
20		\$ -					
21		\$ -					
22		\$ -					
23		\$ -					
24		\$ -					
25		\$ -					
TOTAL PROJECT COST		\$ 304,232.91	\$ 140,900.31		\$ 145,732.60	\$ 17,600.00	\$ -
PERCENTAGE OF BUDGET		100.0%	46.3%		47.9%	5.8%	0.0%



Mr. Thomas Daly

January 17, 2023

City of Jacksonville
Director, Housing and Community Development Division
214 North Hogan Street, 7th Floor
Jacksonville, FL 32202

RE: Match Resources for FY2023-2024 CDBG Carver Center Recreation Program

Dear Mr. Daly:

The City of Jacksonville Beach City Council has appropriated and designated the following as match resources for the CDBG grant:

In-Kind Volunteers, Personnel & Professional Services,	
Utilities, Maintenance, Equipment, Supplies:	\$163,332.60

Please advise if you need additional information.

Sincerely,

Christine H. Hoffman
Mayor

Michael J. Staffopoulos
City Manager

CHH/MJS:jp



CITY COUNCIL AGENDA ITEM	
TO:	Mayor and City Council Members
FROM:	Michael J. Staffopoulos, City Manager
DATE:	01/25/2023
SUBJECT:	2023 Florida League of Cities Legislative Action Days

BACKGROUND

The Florida League of Cities (FLC) will be hosting its Legislative Action Days in Tallahassee on April 3-5, 2023. The purpose of this event is for local elected officials to meet with their State representatives to discuss issues that affect their constituents, as well as to promote and support FLC priorities.

The Mayor and individual Council Members have attended this function in the past, and may wish to attend this year's event. The first day, April 3, 2023 is on a City Council Meeting day. It is therefore presumed that no Council Members will be able to take advantage of the "Ethics Workshop" or "Know Before You Go" sessions.

As there is no defined travel and training policy for the City Council, the intent of this item is for the Council to determine how many and which elected officials should be authorized to attend this event.

FINANCIAL IMPACT

Fees for this event have not been advertised. Previous experience for the City is approximately \$1,000 per attendee. Expenses would be covered by the Council's Travel and Training budget for FY23.

REQUESTED ACTION

Authorize elected officials to attend the Florida League of Cities Legislative Action Days April 3-5, 2023 in Tallahassee

ATTACHMENTS

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Ashlie Gossett, Chief Financial Officer
DATE:	01/05/2023
SUBJECT:	Resolution No. 2135-2023 Solid Waste Collection and Disposal Fees

BACKGROUND

On December 5, 2022, the City Council awarded RFP No. 10-2122 to Waste Pro of Florida, Inc., for the collection and disposal of solid waste and recycling. The estimated contract service cost to maintain the same level of service to our customers is \$5.8 million in the first year, based on 8,500 residential customers and 27,300 commercial cubic yards collected per month. The new contract specifies that the collection costs will adjust annually based on the change in the Consumer Price Index (CPI) and bi-annually for changes in the fuel index.

Current solid waste collection and disposal fees are not sufficient to cover the cost of the new contract and must be adjusted to sustain the Sanitation Fund. Rates were last updated in Resolution No. 1968-2016, adopted in December 2016. However, the residential garbage rate of \$16.31 has remained the same since 1993.

At the January 9, 2023 Council Briefing, staff presented the following 4 options for the City Council's consideration in the adjustment of solid waste fees:

1. Adjust rates to fully recover the contract costs and implement an annual CPI adjuster at the beginning of each fiscal year.
2. Adjust rates by 32.5% per year for 3 years until the cost of the new contract is fully recovered and then implement a CPI adjuster for years 4 and later.
3. Adjust rates by 55% in year 1, 25.8% in year 2, 12.5% in year 3 to fully recover the cost of the new contract, then implement a CPI adjuster for years 4 and later.
4. Adjust rates one time at the beginning of the contract, to fully recover the anticipated 5-year contract period. No CPI adjuster would be applied to customer rates.

The City Council provided staff guidance to present a hybrid option that utilizes Sanitation Fund reserves for the first 2 years in order to soften the impact to our customers as rates adjust to the most affordable amounts that maintain the level of service our customers expect. Resolution No. 2135-2023 (attached) incorporates this guidance and does the following:

- Steps-up rates by 54.7% on April 1, 2023 and 34.5% on April 1, 2024.
- Beginning on October 1, 2024, and annually thereafter, rates will adjust with the change in the CPI index.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

FINANCIAL IMPACT

While Sanitation Fund reserves are expected to decrease by an estimated \$900,000 in the first 2 years, the proposed fee schedule is projected to maintain sufficient reserves in the Sanitation Fund over the 5-year agreement with Waste Pro.

REQUESTED ACTION

Adopt/Deny Resolution No. 2135-2023 amending the Solid Waste Collection and Disposal Fees

ATTACHMENTS

1. Resolution No 2135-2023 Solid Waste Fees updated 2-6-23v3

Introduced by: _____
Adopted: _____

RESOLUTION NO. 2135-2023

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING SOLID WASTE COLLECTION AND DISPOSAL FEES; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach, titled "Residential and Commercial Solid Waste Collection, Disposal, and Assessment," authorizes the City Council to set by resolution solid waste and disposal fees to charge residents, occupants, and owners of premises within the city for solid waste collection and disposal services; and

WHEREAS, on December 5, 2016, the City Council approved Resolution No. 1968-2016 adopting Solid Waste Collection and Disposal Fees and establishing an effective date; and

WHEREAS, a new franchise contract for the collection and disposal of solid waste was awarded by the City Council on December 5, 2022; and

WHEREAS, the City desires to repeal Resolution No. 1968-2016 and amend the fees for Solid Waste Collection and Disposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Intent. It is the intent of the City of Jacksonville Beach to adopt solid waste collection and disposal fees as authorized by Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach for all solid waste collection and disposal services provided by the City.

SECTION 3. Definitions. The following definitions supplement the definitions in Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach and in the most current scope of services awarded for implementing the solid waste collection and disposal services provided by the City.

- A. **Collection and Disposal Service** at a customer account type location includes all solid waste collection and disposal services provided by the City for garbage/trash, recycling, bulky waste and yard waste. The City currently has 5 categories of Collection and Disposal Service customer account types, which are: Residential, Small Commercial, Unique Commercial, Multifamily Dwelling and Commercial Establishment. Recycling services are open market for commercial customers and franchised for residential and multifamily customers. For residential customers, recycling is included in the monthly fee. All commercial and multifamily dwelling account customers pay for recycling based on

the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.

- B. **Residential Collection and Disposal Service** shall mean garbage and household trash collection and disposal service to one single-family dwelling, or one living unit in a duplex or other multifamily dwelling utilizing toter(s). Residential recycling is included in the garbage/trash fee.
- C. **Small Commercial Collection and Disposal Service** shall mean garbage and commercial trash collection and disposal service to one small commercial business/office utilizing toter(s). Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.
- D. **Multifamily Dwelling Collection and Disposal Service** shall mean garbage and trash collection and disposal service for multifamily dwellings utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (totter or other container) multiplied by the container cubic yard fee as appropriate, to accommodate the normal, regular solid waste collection volume of the customer.
- E. **Commercial Establishment Collection and Disposal Service** shall mean garbage and trash collection and disposal service for commercial and industrial establishments utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (totter or other container) multiplied by the container cubic yard pick up fee as appropriate to accommodate the normal, regular solid waste collection volume of the customer.
- F. **Unique Commercial Collection and Disposal Service** shall mean garbage and commercial trash collection and disposal service to one commercial business/office/retail location using toter pickup service, wherein its regular solid waste collection volume would normally place the customer in the Commercial Establishment Service level with a larger container (such as a dumpster). However, the customer location cannot safely accommodate a dumpster enclosure or a sufficient number of toters. The appropriate garbage/trash toter fees will be combined with the recycling volume collected (totter or other container) plus the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee to accommodate the normal, regular solid waste collection volume of the customer.

SECTION 4. Fees for Service. All residents, occupants and owners of premises in the City shall be required to have accumulations of solid waste and trash removed and disposed of by the solid waste collection and disposal franchisee, and shall pay the City the sums shown in **Exhibits A and B** for each service.

- A. **Residential, small commercial and unique commercial solid waste collection and disposal service** - For each customer receiving these services the fee for the collection of solid waste is hereby fixed and levied at the monthly rate stated in **Exhibit A** for: a) residential service for up to two (2) garbage toters and one (1) recycling toter and b) small

commercial service or unique commercial service for up to two (2) garbage toters. If more garbage toter capacity or residential recycling toter capacity is necessary, an additional fee per month is hereby fixed and levied for each added toter as stated in **Exhibit A**. Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee. As determined by the City, unique commercial bulky waste is an additional fee based on the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee.

- B. **Multifamily dwelling and commercial establishment solid waste collection and disposal service** - For customers receiving these type services, the monthly fees are hereby fixed and levied in accordance with the schedule shown in **Exhibit B**. The fee per one (1) container cubic yard is set in **Exhibit A**. These fees are subject to any additional fees that, by necessity, may be set by the city manager if service requirements warrant such additional charge in the opinion of the city manager or his/her designee. Recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.

SECTION 5. Repeal of Prior Inconsistent Resolutions and Council Decisions. Resolution No. 1968-2016 is hereby repealed in its entirety, and all other prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. Effective Date. This resolution shall become effective on April 1, 2023.

AUTHENTICATED this ____ day of _____, 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

EXHIBIT A
Solid Waste Disposal and Collection Fees

Service	Unit of Measure	Effective April 1, 2023	Effective April 1, 2024	Effective October 1 Thereafter
Residential, Small Commercial and Unique Commercial Service	Monthly Rate per Account	\$25.23	\$33.93	Current Rate multiplied by (1 plus the prior calendar year percentage change in CPI Series CUUR0000SEHG02 ¹)
Each Additional Toter for Residential, Small Commercial and Unique Commercial Service	Monthly Rate per Account	\$15.00	\$20.00	Current Rate multiplied by (1 plus the prior calendar year percentage change in CPI Series CUUR0000SEHG02 ¹)
Multifamily Dwelling and Commercial Establishment Service	Rate per Container Cubic Yard Collected	\$7.50	\$10.09	Current Rate multiplied by (1 plus the prior calendar year percentage change in CPI Series CUUR0000SEHG02 ¹)
Roll-on/ Roll-off Container and Compactor	Rate Per Pull	\$821.50	\$1,104.92	Current Rate multiplied by (1 plus the prior calendar year percentage change in CPI Series CUUR0000SEHG02 ¹)
¹ CPI Series CUUR0000SEHG02 = Consumer Price Index - All Urban Consumers (Not Seasonally Adjusted); Area: U.S. City Average, Item: Garbage and Trash Collection, Bureau of Labor Statistics, U.S. Department of Labor, as may be updated, revised, changed or superseded from time to time.				

EXHIBIT B

Schedule of Monthly Container (Dumpster) Fees² by Container Size and Frequency

²(Monthly fee = container yd. x service frequency x fee per 1 cubic yd. x 4.33)

Rates Effective April 1, 2023 through March 30, 2024							
Container Yd.	Service Frequency (Pickup #) per Week						Extra Pickups
	1	2	3	4	5	6	
1	\$32.00	\$64.00	\$97.00	\$129.00	\$162.00	\$194.00	\$7.50
2	\$64.00	\$129.00	\$194.00	\$259.00	\$324.00	\$389.00	\$15.00
3	\$97.00	\$194.00	\$292.00	\$389.00	\$487.00	\$584.00	\$22.50
4	\$129.00	\$259.00	\$389.00	\$519.00	\$649.00	\$779.00	\$30.00
6	\$194.00	\$389.00	\$584.00	\$779.00	\$974.00	\$1,169.00	\$45.00
8	\$259.00	\$519.00	\$779.00	\$1,039.00	\$1,299.00	\$1,558.00	\$60.00
10	\$324.00	\$649.00	\$974.00	\$1,299.00	\$1,623.00	\$1,948.00	\$75.00

Rates Effective April 1, 2024 through September 30, 2024							
Container Yd.	Service Frequency (Pickup #) per Week						Extra Pickups
	1	2	3	4	5	6	
1	\$43.00	\$87.00	\$131.00	\$174.00	\$218.00	\$262.00	\$10.09
2	\$87.00	\$174.00	\$262.00	\$349.00	\$436.00	\$524.00	\$20.18
3	\$131.00	\$262.00	\$393.00	\$524.00	\$655.00	\$786.00	\$30.27
4	\$174.00	\$349.00	\$524.00	\$699.00	\$873.00	\$1,048.00	\$40.36
6	\$262.00	\$524.00	\$786.00	\$1,048.00	\$1,310.00	\$1,572.00	\$60.54
8	\$349.00	\$699.00	\$1,048.00	\$1,398.00	\$1,747.00	\$2,097.00	\$80.72
10	\$436.00	\$873.00	\$1,310.00	\$1,747.00	\$2,184.00	\$2,621.00	\$100.90

Rates Effective October 1, 2024 and Thereafter							
Container Yd.	Service Frequency (Pickup #) per Week						Extra Pickups
	1	2	3	4	5	6	
All	Current Rate multiplied by (1 plus the prior calendar year percentage change in CPI Series CUUR0000SEHG02 ¹)						



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Ashlie Gossett, Chief Financial Officer
DATE:	01/13/2023
SUBJECT:	Resolution No. 2136-2023 CARE Program Policy

BACKGROUND

The Customer Assistance Relief Emergency (CARE) program was created in 1998 to help customers experiencing financial hardships. This program is funded by both donations and City contributions and is administered by Beaches Emergency Assistance Ministry, Inc. (BEAM) at no cost to the City. All monies related to this program are maintained and disbursed from City Accounts.

The CARE Program Policy was last updated in 2008 to increase the maximum disbursement per residential customer to \$500 within a 12-month period. Due to the current adverse economic conditions, staff recommends that the maximum disbursement be increased to \$600 per residential customer in a 12-month period.

FINANCIAL IMPACT

The FY2023 budget includes \$120,000 for CARE program disbursements. Actual disbursement requests processed as of 1/13/2023 are \$10,779. Accordingly, no budget adjustments are anticipated to support this action.

REQUESTED ACTION

Adopt/Deny Resolution No. 2136-2023 amending the CARE Program Policy

ATTACHMENTS

1. Resolution No 2136-2023
2. Attachment A - Amended CARE Program Policy 2-1-2023

Introduced by: _____
Adopted: _____

RESOLUTION NO. 2136-2023

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH,
FLORIDA, AMENDING ITS CARE PROGRAM POLICY;
PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF
PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL
DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the City of Jacksonville Beach ("City") desires to operate a program that provides assistance to its utility customers who are experiencing a temporary financial hardship and are unable to pay their utility bills; and

WHEREAS, on April 6, 1998, The City Council adopted Resolution No. 1547-98 which created a Customer Assistance Relief Emergency (CARE) Fund and a CARE Program Policy; and

WHEREAS, on August 4, 2008, the City Council approved an action to update the CARE Program Policy that increased the assistance payment limit to \$500 per customer in an 12-month period; and

WHEREAS, such amendments may periodically be necessary to update the CARE Program Policy to ensure that such policies remain in conformance with applicable laws, regulations, and best practices.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Amendment to the CARE Program Policy. The CARE Program Policy is hereby amended to increase the assistance payment limit to \$600 per customer in a 12-month period as reflected in Attachment A hereto.

SECTION 3. Repeal of Prior Inconsistent Resolutions and Council Decisions. All other provisions of Resolution No. 1547-98 not specifically amended herein shall remain in force and effect until amended or repealed and all prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. Effective Date. This resolution shall become effective immediately upon passage and adoption by City Council.

AUTHENTICATED this ____ day of _____, 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

THE CITY OF JACKSONVILLE BEACH
CARE Program Policy
Developed by the City of Jacksonville Beach
in consultation with the Beaches Emergency Assistance Ministry, Inc.

Dated: ~~August 5, 2008~~February 1, 2023

1. PURPOSE:

To collect and administer voluntary contributions from customers and ratepayers of the City of Jacksonville Beach (City) of one dollar or more per month to be deposited into a Customer Assistance Relief Emergency (CARE) fund administered by the City. The proceeds of the fund may be periodically expended for the purpose of providing emergency financial assistance to the elderly, handicapped, needy low income, or other customers in need of emergency financial relief for the payment of their utility bill.

2. SCOPE:

Program services will be limited to customers of the City.

3. PROGRAM ADMINISTRATION:

- 3.1 The City will provide and insert an initial introductory description of the program to the customers at least one time per year.
- 3.2 The City will receive and record customer authorizations for all responses received from customers desiring to participate in the program.
- 3.3 Once implemented, the City will add the authorized contribution to the bills of the customers who have authorized the City to do so until the City is notified to cease such contributions.
- 3.4 The City will immediately establish a separate accounting for all contributions received to distinguish those receipts from other funds received by the City.
- 3.5 A customer must sign and return to the City the enrollment/authorization form which explicitly details the terms and conditions, including the dollar amount, for which the customer's contributions will be billed and administered.
- 3.6 The voluntary contribution will be added as a separate line item on each participating customer's monthly bill.

- 3.7 Should a customer not choose to pay the voluntary contribution any longer, the customer's name will be immediately deleted from the program upon his or her request.
- 3.8 The City will have a third party organization issue a payment voucher authorizing the disbursement of CARE funds to the City utility accounts for authorized recipients.
- 3.9 The City will pay the internal costs of programming the billing system and establishing the accounting records for this program as well as ongoing computer and billing costs to maintain the program. The City will also pay for printing costs for bill insert documents to be distributed by the City to its customers explaining the program and providing an enrollment/authorization form for those customers who choose to participate. The City further agrees to fund subsequent printing costs of annual renewal and/or promotional materials.

4. PROGRAM SERVICES

The City recognizes the value of the CARE program and will contract with a non-profit social services agency to provide the needs assessment function of the program.

4.1 Social Service Agency

The agency responsible for completing the needs assessment functions and providing all related documentation as required is Beaches Emergency Assistance Ministry, Inc.

- The agency has demonstrated its agency's capabilities in providing the type of service(s) to be delivered; and
- The agency is a not-for-profit, 501(c)(3) organization; and
- practice non-discrimination

4.2 Recipient Eligibility

The City customers who are eligible recipients of program services shall include:

- Elderly - applicants, 60 years of age or older, who are responsible for the payment of their household's utility bill and whose aggregate household income is at or below poverty income guidelines.
- Handicapped - applicants who, within the past twelve (12) months have been medically certified as having a physical or mental impairment which prevents

their full-time, gainful employment and who are responsible for the payment of their household's utility bill and whose aggregate household income is at or below poverty income guidelines.

- Low income - applicants who are responsible for the payment of their household's utility bill and whose aggregate household income is at or below poverty income guidelines.
- Emergency situations - sudden, dramatic and unanticipated change occurs in a household such as, unemployment, major illness or death of a family member results in temporary financial hardships.

4.3 Eligibility of Costs

This program shall provide limited financial assistance toward the payment of the utility bills of eligible applicants provided:

- Payment is limited to the documented amount necessary to maintain or restore utility service; and
- The applicant may receive multiple payments up to a maximum of ~~\$500.00~~ \$600.00 in financial assistance from CARE during a twelve (12) month period; and
- The financial assistance does not exceed ~~\$500.00~~ \$600.00 during a twelve (12) month period.

4.4 Fund Disbursements

Funds from the CARE account are to be disbursed only to the City's utility accounts for the purpose set forth herein, only after the appropriate payment voucher has been received from one of the approved needs assessment agencies. The needs assessment agency will not make disbursements from the CARE fund, rather they will authorize City staff to disburse amounts to be remitted from the trust fund to the City's operating account to restore utility service. Needs assessment agencies will be routinely advised of the amount of available funds.

4.5 Prohibited Fund Disbursements

Contributed funds cannot be used for payments to any entity other than the City's operating account for the purpose set forth herein.

CITY COUNCIL AGENDA ITEM	
TO:	The Honorable Mayor and Members of the City Council
FROM:	Michael J. Staffopoulos, City Manager
DATE:	01/25/2023
SUBJECT:	Resolution No. 2138-2023 Agreement with the American Red Cross

BACKGROUND

The City of Jacksonville Beach has, over the course of time, deeded three parcels to the American Red Cross (ARC) for the purposes of constructing a lifeguard station (Station), expanding such station, and performing lifeguarding and ocean rescue services. Each of the deeds executed with the ARC contain language that the ownership of the properties reverts to the City of Jacksonville Beach in the event the ARC stops performing services for a period of 12 months.

On August 5, 2022, staff received authorization from City Council to send formal notice to the American Red Cross for the reversion of the subject parcels to the City of Jacksonville Beach. Over the last five months, staff has negotiated the transfer of the parcels and station to the City of Jacksonville Beach through a Settlement Agreement (Agreement, attached). There are four key covenants contained within the Agreement:

- The City shall continue to negotiate, in good faith, to reach an agreement with the VLSC for service provision. Any use of the Station by the VLSC would be without charge.
- Maintain the Station and property on the National Historic Register.
- Decommission the building (removing all ARC name and emblems from the exterior and interior of the building) no less than 30 days after closing.
- Collaborate on the design and construction of a memorial honoring the ARC history at the Station and on the beach.

The Agreement contains several deed restrictions (Exhibit B) at the request of the ARC that have partial overlap with the covenants. Given the City's stated position that the Station should remain on the National Historic Register, and continue to be used as the base for Ocean Rescue and lifeguarding operations into the future, staff feel these restrictions are appropriate. A summary of key restrictions is listed below, with a full listing and details of each restriction in Exhibit B of the Agreement:

- The Station shall only be used for public safety and emergency operations.
- No residential, commercial, or industrial activities shall be allowed on the property or in the Station.
- The City shall make reasonable efforts to ensure the property and Station remain on the National Historic Register.
- Structural changes to the Station shall go through the Florida Historical Commission, as necessary.
- The City shall collaborate with the ARC and pay for the installation and maintenance of a memorial recognizing the history and use of the Station by the ARC.



The ARC has already signed the Agreement. In the event City Council approves this item, the City will countersign the Agreement, both parties will execute the Deed Restrictions on Exhibit B, and closing shall take place on or before March 31, 2023. There will be no re-branding of the Station until a discussion is held with Council at a future briefing.

FINANCIAL IMPACT

Section I.C.3.a. of the Agreement calls for the City to reimburse the ARC for the costs associated with decommissioning the Station. While a final number has not yet been determined, internal estimates are at a cost between \$5,000 and \$10,000.

Section I.C.4. of the Agreement calls for the City to pay for the design, installation and maintenance of a memorial. As there have not been any collaboration meetings with the ARC to determine a mutually acceptable design, the cost of the memorial is unknown at this time.

REQUESTED ACTION

Adopt/Deny Resolution No. 2138-2023 approving an Agreement with the American Red Cross for the donation of its Facility to the City of Jacksonville Beach and to accept such donation on behalf of the City of Jacksonville Beach upon such conditions as agreed

ATTACHMENTS

1. Resolution No. 2138-2023
2. Exhibit 1 - Settlement Agreement
3. Settlement Agreement Ex. B Deed Restrictions

Introduced by: _____
Adopted: _____

RESOLUTION NO. 2138-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE AMERICAN RED CROSS FOR THE DONATION OF ITS FACILITY TO THE CITY OF JACKSONVILLE BEACH AND TO ACCEPT SUCH DONATION ON BEHALF OF THE CITY OF JACKSONVILLE BEACH UPON SUCH CONDITIONS AS AGREED, AND PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, between the years 1921 and 2007, the City of Jacksonville Beach, Florida ("City") made three donations of land to the American Red Cross ("Red Cross") upon which the Red Cross constructed a lifeguard station and facilities (collectively, "Facility") from which the Red Cross was to provide life saving services on the City's beaches; and

WHEREAS the City's donations of land to the Red Cross were contingent on conditions, over which a dispute between the parties arose in 2022 as to whether said conditions were violated; and

WHEREAS to resolve said dispute, the Red Cross and the City desire to agree to terms by which fee simple ownership of the Facility will be conveyed to the City, as set forth in the Settlement Agreement, attached hereto as Exhibit 1; and

WHEREAS, the Settlement Agreement is in the best interest of the City and its citizens; and

WHEREAS, pursuant to Section 1, Chapter 1, City Charter of Jacksonville Beach, Florida, the City may acquire real property gift for any municipal purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Approval. The Settlement Agreement between the City of Jacksonville Beach, Florida, and the American Red Cross (including its exhibits), attached hereto as Exhibit 1 and incorporated as if set forth fully herein, is hereby accepted and approved.

SECTION 3. Authorization. That for and on behalf of the City of Jacksonville Beach, Florida, the City's Mayor and City Manager are hereby authorized to execute said Settlement Agreement and any additional document that may be necessary for the City to carry out and/or perform the duties and responsibilities required of it by the Settlement Agreement. The authority

vested hereby shall not include authority to amend the Agreement without the expressed approval of City Council.

SECTION 4. Acceptance of Donation. That the City of Jacksonville Beach hereby accepts from the American Red Cross the donation of Facility, as more particularly described in and by Exhibit 1, and further authorizes the City Manager to accept all deeds related to this conveyance, and to execute any document necessary to effectuate the conveyance as well as the intent of this resolution. The City Manager shall cause all such deeds to be recorded in the records of the City and the Duval County Clerk of the Circuit Court.

SECTION 5. Repeal of Prior Inconsistent Resolutions and Council Decisions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. Scrivener's Error. The City Attorney may correct scrivener's errors found in this resolution by filing a corrected copy with the City Clerk.

SECTION 8. Effective Date. This resolution shall become effective immediately upon passage and adoption by City Council.

AUTHENTICATED this ____ day of _____, 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") between the CITY OF JACKSONVILLE BEACH, a municipal corporation with a place of business located at 11 3rd St N, Jacksonville Beach, FL 32250 ("City"), and THE AMERICAN NATIONAL RED CROSS, a federally chartered, nonprofit corporation with a place of business located at 430 17th St NW, Washington, DC 20006 ("Red Cross") (collectively the "Parties"), is entered into on the date of the last signature below.

WITNESSTH:

WHEREAS, the City is a municipal corporation with express powers and authorities granted to it by the State of Florida, pursuant to Art. III, Sec. 2 (b), Florida Constitution, §166.021, Florida Statutes, and its municipal charter;

WHEREAS, the Red Cross is a nonprofit corporation and instrumentality of the United States, chartered by Congress (36 U.S.C. §§ 300101-300111 (2007));

WHEREAS, the Red Cross has been the owner of a certain lifeguarding station commonly referred to as the "American Red Cross Life Saving Corps Station" ("Station"), situated on property located at 2 Oceanfront North, Jacksonville Beach, Florida 32250 ("Property")

WHEREAS, the Property consists of three contiguous parcels as described in the deeds attached hereto as Exhibit A (collectively "Deeds")(Station and Property collectively "Facility");

WHEREAS, the Red Cross constructed, maintained and improved the Facility primarily using funds donated specifically for that purpose;

WHEREAS, the Deeds provide that ownership of the parcels reverts to the City if certain conditions are met;

WHEREAS, the Facility is a national historic landmark;

WHEREAS, from 1914 until 2015, the Red Cross operated a Volunteer Life Saving Corps that worked from the Facility, providing lifeguarding services and water safety training in collaboration with the City;

WHEREAS, after the Volunteer Life Saving Corps, Inc. (VLSC) was established as a separate corporation in 2015, the Red Cross permitted the VLSC to use the Facility as its base of operations, alongside the Red Cross and the City;

WHEREAS, the Jacksonville Beach community has immensely benefited from the ocean rescue and lifeguarding activities that have been conducted from the Facility since the early 1900's;

WHEREAS, a dispute arose between the Parties regarding the ownership of the Facility going forward;

WHEREAS, on November 1, 2022, the City filed an action to quiet title against the Red Cross, in a matter captioned *City of Jacksonville Beach v. American Red Cross, et al.*, case number

16-2022-CA-006314. On November 18, 2022, the City voluntarily dismissed the action to enable the Parties to work collaboratively to resolve their dispute;

WHEREAS, the Parties desire to settle and resolve their dispute, without any admission regarding the validity of the other party's claim to ownership; and

WHEREAS, the Parties desire to preserve the Facility and ensure its continued use as a lifeguarding station serving the Jacksonville Beach community;

WHEREAS, because the City is a steward of the public trust, the Parties desire the Red Cross to donate the Facility to the City to ensure the preservation and continued use of the Facility for the Activities; and

NOW THEREFORE, in consideration of the covenants and commitments contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

I. SETTLEMENT.

A. Donation: The Red Cross shall donate to the City the Facility described on Exhibit A, consisting of three parcels of land and all buildings and improvements situated thereon (collectively "Donated Property"). The Donated Property is donated "as-is, where is, with all faults". Red Cross is not making and has not at any time made, except as otherwise expressly set forth herein, any warranties or representations of any kind or character, express or implied, with respect to the Donated Property, including, but not limited to, any warranties or representations as to habitability, merchantability, fitness for a particular purpose, title, zoning, governmental permits or approvals, tax consequences, physical or environmental condition, operating history, valuation, governmental regulations, environmental conditions, or the truth, accuracy or completeness of any information or materials provided by or on behalf of Red Cross relating to the Donated Property or any other matter or thing regarding the Donated Property. The Red Cross may also donate personal property to be identified on or before Closing.

B. Closing: Delivery of the Donated Property will occur on or before March 31, 2023 ("Closing"). Closing will occur via overnight commercial mail. The Parties will cooperate on preparing documents effectuating the donation. At Closing the Red Cross will deliver to the City quit claim deeds to the Facility described on Exhibit A and a bill of sale to any donated personal property in a form and manner satisfactory to the Parties.

C. Covenants: The City shall use the Facility to perform the Activities for the public's benefit as follows: ocean rescue, lifeguarding services, and related water-safety training activities.

1. VLSC Use and Participation. City shall continue its efforts, in good faith, to reach a contractual agreement with the VLSC, to allow VLSC to continue using the Facility for the volunteer lifeguarding service, lifeguard and water safety training, and other VLSC activities, without charge.

2. Historic Register: All practically reasonable efforts shall be made for the Facility's continued maintenance of National Register of Historic Places status. To that end the Parties agree to execute the Declaration of Restrictions attached hereto as Exhibit "B" and have same timely recorded in the public records of Duval County, Florida. Red Cross shall have the right to enforce this provision in a court of law.

3. Removal of American Red Cross name and emblem:

- a. Prior to Closing or as soon thereafter as is reasonably practicable, but in no event later than 30 days after Closing, the Red Cross will cause the de-commission of the Facility and remove its name and emblem from the exterior and interior of the Station. In lieu of undertaking such services and incurring costs itself, the Red Cross may elect to allow the City to directly provide for the removal of the Red Cross's name and emblem from the Station. In the event the Red Cross elects to incur the costs related to the de-commission of the Facility, the Red Cross will provide City with an invoice for the cost of removing its name and emblem from the Station, and the City will pay the invoice within 30 days of receipt or, in the event the invoice exceeds \$25,000, within 30 days of authorization by City Council to pay.
- b. Immediately upon assuming ownership of the Station, the City shall cease referring to the Station using the American Red Cross name, including but not limited to references in City documents, press releases, and other City communications.

4. Memorial: Within 30 days after the City assumes ownership of the Station, the City will begin collaborating with the Red Cross on designing a memorial at the Station to honor the Red Cross history at the Station and on City beaches. At the City's expense, the City will install and build the memorial. The City must obtain the Red Cross's written approval of the design and all features of the memorial before building and installing it. The City will complete the build of the memorial within 12 months of receiving Red Cross's written approval, unless the parties otherwise agree in writing.

II. RELEASE. Except for the commitments in this Agreement, each party hereby releases, remises, and discharges the other party, and its successors, assigns, officers, managers, members, employees, agents, servants, attorneys, representatives, subsidiaries, and affiliates, from any and all claims, counterclaims, demands, damages, debts, agreements, covenants, suits, contracts, obligations, liabilities, accounts, offsets, rights, actions and causes of action of any nature whatsoever relating to the Facility, whether presently known or unknown, foreseen or unforeseen, and whether or not heretofore asserted, for or because of or as a result of any act, omission, or condition that occurred or existed at any time from the beginning of time up to and immediately preceding the moment of the execution of this Agreement.

III. INDEMNIFICATION. Each party agrees to defend, indemnify and hold harmless the other party (and that party's employees, agents, successors and assigns, from and against all losses,

liabilities, suits, claims, costs, expenses (including reasonable attorneys' fees and court costs) related to any third-party claim resulting from the indemnifying party's breach of this Agreement.

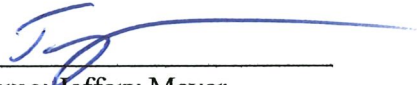
IV. MISCELLANEOUS: The Parties to this Agreement acknowledge that: each has had its own independent legal counsel review and approve this Agreement; no party relied on advice from another party or their legal counsel in executing this Agreement; and this agreement represents the entire agreement between the Parties and may not be modified or amended except in a writing signed by each party. The Parties further agree that each shall bear its own attorneys' fees and costs in this matter.

AGREED:

City of Jacksonville Beach, Florida

The American National Red Cross

By: _____
Printed name: _____
Its: _____
Date: _____

By:  _____
Printed Name: Jeffery Meyer
Its: Vice President – Real Estate
Date 1-24-23

By: _____
Printed name: _____
Its: _____
Date: _____

Exhibit "A"

Portion 1:

A RECTANGULAR PLOT OF GROUND MEASURING EIGHTY-FIVE (85) FEET RUNNING NORTH AND SOUTH AND SIXTY-FIVE (65) FEET RUNNING EAST AND WEST LOCATED IN THE SOUTHEAST CORNER OF THE UNNUMBERED BLOCK BOUNDED BY PABLO AVENUE ON THE NORTH, FIRST STREET ON THE WEST, MUNDY DRIVE ON THE SOUTH, AND THE ATLANTIC OCEAN ON THE EAST IN THE CITY OF JACKSONVILLE BEACH, FLORIDA, SITUATED ADJACENT TO AND IMMEDIATELY NORTH AND WEST, RESPECTIVELY, OF THE NORTH LINE OF MUNDY DRIVE AND THE BUILDING RESTRICTION LINE APPLICABLE TO PROPERTY ABUTTING THE SHORES OF THE ATLANTIC OCEAN AS HERETOFORE ESTABLISHED BY THE SAID CITY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID UNNUMBERED BLOCK AT THE INTERSECTION OF THE EAST LINE OF NORTH FIRST STREET, WITH THE NORTH LINE OF MUNDY DRIVE; RUN THENCE EASTERLY ALONG THE NORTH LINE OF MUNDY DRIVE A DISTANCE OF ONE HUNDRED FIVE AND NINE-TENTHS (105.9) FEET TO THE POINT OF BEGINNING; RUN THENCE NORTHERLY AND PARALLEL WITH THE EXISTING SEAWALL A DISTANCE OF EIGHTY-FIVE (85) FEET TO A POINT; RUN THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF MUNDY DRIVE, A DISTANCE OF SIXTY-FIVE (65) FEET TO ITS INTERSECTION WITH THE THIRTY-FIVE (35) FOOT BUILDING RESTRICTION LINE AS HERETOFORE ESTABLISHED BY THE CITY OF JACKSONVILLE BEACH; THENCE SOUTHERLY ALONG SAID BUILDING RESTRICTION LINE A DISTANCE OF EIGHTY-FIVE (85) FEET TO ITS INTERSECTION WITH THE NORTH LINE OF MUNDY DRIVE; RUN THENCE WESTERLY ALONG THE NORTH LINE OF MUNDY DRIVE A DISTANCE OF SIXTY-FIVE (65) FEET TO THE POINT OF BEGINNING.

Being the same property conveyed by Deed of Conveyance by the CITY OF JACKSONVILLE BEACH, FLORIDA dated February 21, 1946, and recorded in Deed Book 1159 at page 397 of the Public Records of Duval County, Florida.

Portion 2:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID BLOCK FORMED BY THE INTERSECTION OF THE WESTERLY BOUNDARY LINE OF THE BOULEVARD WITH THE NORTHERLY BOUNDARY LINE OF RAILROAD AVENUE; THENCE RUNNING WESTERLY BY THE SAID NORTHERLY BOUNDARY LINE OF RAILROAD AVENUE 55 FEET TO A POINT THENCE RUNNING NORTHERLY BY A LINE PARALLEL WITH THE EASTERLY BOUNDARY LINE OF FIRST STREET 65 FEET TO A POINT; THENCE RUNNING EASTERLY BY A LINE PARALLEL WITH THE SAID NORTHERLY BOUNDARY LINE OF RAILROAD AVENUE 55 FEET TO A POINT IN THE SAID WESTERLY BOUNDARY LINE OF THE BOULEVARD, THENCE SOUTHERLY BY THE SAID WESTERLY LINE OF THE BOULEVARD BEING THE EASTERLY BOUNDARY LINE OF SAID BLOCK 65 FEET TO THE PLACE OF BEGINNING.

Being the same property conveyed by Deed of Conveyance by the TOWN OF PABLO BEACH, FLORIDA dated September 26, 1921, and recorded in Official Record Book 217 at page 159 of the Public Records of Duval County, Florida.

Portion 3:

A PART OF THE UNNUMBERED BLOCK OF PABLO BEACH NORTH AS RECORDED IN PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 9563, PAGE 507 OF SAID PUBLIC RECORDS; THENCE SOUTH 80°15'40" WEST ALONG A SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 21.80 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 09°37'11" EAST, A DISTANCE OF 24.96 FEET; THENCE SOUTH 80°22'49" WEST, A DISTANCE OF 12.40 FEET; THENCE NORTH 09°37'11" WEST, A DISTANCE OF 6.80 FEET; THENCE SOUTH 80°22'49" WEST, A DISTANCE OF 19.69 FEET, THENCE SOUTH 09°59'41" EAST, A DISTANCE OF 6.84 FEET; THENCE SOUTH 80°37'41" WEST, A DISTANCE OF 10.97 FEET; THENCE SOUTH 09°24'03" EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 80°15'40" WEST, A DISTANCE OF 13.96 FEET TO AN EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 9563, PAGE 507; THENCE NORTH 09°44'20" WEST ALONG SAID LINE A DISTANCE OF 32.86 FEET; THENCE NORTH 80°15'40" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 57.08 FEET TO THE POINT OF BEGINNING.

Being the same property conveyed by Deed of Conveyance by the CITY OF JACKSONVILLE BEACH, FLORIDA dated May 21, 2007, and recorded in Official Record Book 14086 at page 50 of the Public Records of Duval County, Florida.

EXHIBIT "B"

DEED RESTRICTIONS ATTACHED

Exhibit “B” to Settlement Agreement

Prepared by and after Recording
Return to:

Jacob Schumer, Esq.
Shepard, Smith, Kohlmyer & Hand, P.A.
2300 Maitland Center Pkwy., Suite 100
Maitland, FL 32751

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (the “Declaration”), is made this ____ day of _____, 2022, by and between the **CITY OF JACKSONVILLE BEACH, FLORIDA** (formerly known as the Town of Pablo Beach), a municipal corporation of Florida, whose address is 11 North Third Street, Jacksonville Beach, Duval County, Florida 32550 (the “City”), **THE AMERICAN NATIONAL RED CROSS**, a federally chartered nonprofit corporation whose address is 430 17th Street NW, Washington, D.C. 20006 (“ARC”).

BACKGROUND

WHEREAS, ARC is the owner of certain real property located at 2 Oceanfront North, Jacksonville Beach, Florida 32250 (“Property”), as described in Exhibit A attached hereto, which Property consists of multiple contiguous parcels of land conveyed from the City to ARC;

WHEREAS, ARC constructed a lifeguard station on the Property commonly referred to as the “American Red Cross Life Saving Corps Station” (“Station”);

WHEREAS, the ARC constructed, maintained and improved the Station primarily using funds donated specifically for that purpose;

WHEREAS, since its initial construction in 1914, the Station has been used for ocean rescue, lifeguarding and educational purposes for the benefit of the Jacksonville Beach community (“Community”);

WHEREAS, the Station is listed on the National Park Service’s National Register of Historic Places; and

WHEREAS, pursuant to their Settlement Agreement, ARC will transfer ownership of the Property and the Station to the City;

WHEREAS, the City and ARC recognize the architectural, historic and cultural values and significance of the Station, and have the common purpose of conserving and preserving the historic use, values and significance of the Station (collectively “Preservation Values”) for the benefit of Community; and

WHEREAS, in furtherance of the Perseveration Values, the City and ARC have agreed to place certain restrictions in perpetuity on the Property and Station (“Restrictions”).

RESTRICTIONS

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and ARC hereby agree to place in perpetuity the following restrictions on, across and over the Property and Station:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. The Property and Station are to be used for ocean rescue and lifeguarding purposes, and for such other purposes that are consistent with lifeguarding activities such as education and emergency operations (collectively “Activities”).
3. There shall be no residential, commercial or industrial activities on the Property and/or Station other than those specifically related to or in furtherance of the Activities.
4. The City shall at all times maintain the exterior of the Station in the sound structural condition and good state of repair.
5. The City shall make all practically reasonable efforts to ensure the Property remains on the National Park Service’s National Register of Historic Places and comply with the Florida Historical Commission’s (“Commission”) rules and recommendations.
6. Without the prior approval of the Commission which approval may not be unreasonably withheld but which may be subject to such reasonable conditions as the Commission in its discretion may determine, the City shall not make any changes to the exterior of the Station, including the alteration, partial removal, construction, remodeling, or other physical or structural change to the exterior and any change in material or color and the footprint, size, mass, ridgeline and rooflines of the Station. Activities by the City to maintain the exterior of the Station which are not intended to change the exterior appearance of the Station shall not require the prior approval of the Commission.
7. The City agrees to, at its sole expense, provide for and maintain a memorial at or on the Property and/or Station giving notice of the history and use of the Station by ARC.
8. This Declaration shall be appurtenant to and run with title to the Property and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns in title.
9. The City agrees to incorporate by reference the terms of these Restrictions in any deed or other legal instrument by which the City transfers any interest in all or a portion of the Property, including without limitation a leasehold interest for a term greater than one year.

10. Should the City fail to comply with the terms of this Declaration, ARC may bring an action in the Circuit Court in and for Duval County, Florida to compel the City to perform under and comply with this Declaration.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Declaration as of the date set forth above.

Signed, sealed, and delivered
in the presence of:

THE AMERICAN NATIONAL RED CROSS

Signature of First Witness

Signature

Print Name of First Witness

Jeffery Meyer, Vice President – Real Estate

Signature of Second Witness

Print Name of Second Witness

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022, by _____ [NAME], _____ [TITLE] of the American National Red Cross, on behalf thereof, who is: ☐ personally known to me; or ☐ has produced _____ [type of identification] as identification.

NOTARY PUBLIC, STATE OF FLORIDA

My commission expires:_____

Signed, sealed, and delivered
in the presence of:

CITY OF JACKSONVILLE BEACH

Signature of First Witness

Signature

Print Name of First Witness

Print Name

Signature of Second Witness

Print Name of Second Witness

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022, by _____ [NAME], _____ [TITLE] of the City of Jacksonville Beach, on behalf thereof, who is: ☐ personally known to me; or ☐ has produced _____ [type of identification] as identification.

NOTARY PUBLIC, STATE OF FLORIDA

My commission expires: _____

Exhibit "A"

Portion 1:

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Being the same property conveyed by Deed of Conveyance by the CITY OF JACKSONVILLE BEACH, FLORIDA dated May 21, 2007, and recorded in Official Record Book 14086 at page 50 of the Public Records of Duval County, Florida.

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sandra R. Robinson, City Attorney
DATE:	02/06/2023
SUBJECT:	Ordinance No. 2023-8189 Prohibiting Possession and Use of Certain Tobacco and Vaping Products in Public Parks (Second Reading)

BACKGROUND

At the September 26, 2022, City Council Briefing, Director of Parks and Recreation Jason Phitides addressed the Florida Legislature's amendment to Section 386.209, Florida Statutes, which was amended to authorize municipalities and counties to regulate smoking within the boundaries of their public parks, subject to certain exceptions. The question posed to the City Council at that Briefing was whether the City Council wished to create an ordinance to prohibit smoking on the beach. Chief of Police Gene Paul Smith also addressed the difficulties of enforcement. A conversation ensued regarding possible enforcement methods and specific enforceable areas. It was the consensus of the City Council for staff to create a new ordinance, not including enforcement on the beach, and present a draft to the City Council for review. Ordinance No. 2023-8189 was drafted as a result.

Initially, staff advised that the ordinance be a stand-alone ordinance so as to create separation from the no-smoking provision that was previously adopted without authority. After working through all of the issues that would have to be addressed in a stand-alone ordinance, staff reconsidered and made amendments to Section 20-13(c). By revising the language in Section 20-13(c)(25) (formerly subparagraph 27), the same enforcement provisions apply to smoking tobacco products or using vapor-generated devices as with other park violations. Additional, minor revisions were also made to Section 20-13(c) for clarity, and to eliminate provisions that are redundant to Section 20-7(a), which provides that dogs shall at all times be restrained and on adequate leashes as set forth in Chapter 5 of the Code of Ordinances, and all other pets shall be under constant physical control of a person.

Ordinance No. 2023-8189 was approved by the City Council at its first reading on January 17, 2023.

FINANCIAL IMPACT

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8189 on the second reading amending Chapter 20, Article IV, Section 20-13(c) "Prohibited Activities" of the City of Jacksonville Beach Code of Ordinances to prohibit the possession and use of certain tobacco and vaping products in public parks and eliminating provisions that are redundant to Section 20-7(a)

ATTACHMENTS

1. Ordinance No. 2023-8189



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

Introduced by: _____
First Reading: _____
Second Reading: _____

ORDINANCE NO. 2023-8189

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-13(c) "PROHIBITED ACTIVITIES" OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO PROHIBIT THE POSSESSION AND USE OF CERTAIN TOBACCO AND VAPING PRODUCTS IN PUBLIC PARKS AND ELIMINATING PROVISIONS THAT ARE REDUNDANT TO SECTION 20-7(a); PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SCRIVENER'S ERRORS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach ("City") has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

WHEREAS, while the regulation of smoking is generally preempted to the Florida Legislature, in 2022, the Florida Legislature amended Section 386.209, Florida Statutes, to authorize municipalities and counties to regulate smoking within the boundaries of their public parks, subject to certain exceptions; and

WHEREAS, the City establishes, owns, and maintains public parks to promote the health, safety, welfare, and recreational enjoyment of City residents; and

WHEREAS, the City Council desires to provide City residents with safe and clean environments in which recreational opportunities can be enjoyed and maximized; and

WHEREAS, in order to provide for the public health, safety, and welfare of City residents, the City Council finds that a prohibition of smoking in City-owned parks opened to and used by the public will reduce exposure to secondhand smoke and promote cleaner and more hygienic City parks; and

WHEREAS, the City Council further finds that this ordinance best provides for the attainment of the aforesaid goals, that the restrictions created by this ordinance are necessary for the health, safety, and welfare of City residents and the public at large, and is in the general best interest of the City.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified and made a part of this ordinance.

SECTION 2. CHAPTER 20 - PARKS AND RECREATION, ARTICLE IV. - PARK RULES AND REGULATIONS, SECTION 20-13. - GENERAL PARK RULES AND REGULATIONS, IS HEREBY AMENDED AS FOLLOWS¹:

Sec. 20-13(c) *Prohibited activities*. It shall be unlawful for any person to do any of the following in any park ~~area~~ or any other areas officially designated by the city council as a park and posted as such unless specifically permitted by the appropriate authorization received from the city manager and issued pursuant to this article, except for activities of the city which are undertaken within the scope of its governmental authority:

(1) Trespass when the park is closed.

(2) Camp overnight.

(3) Purchase, sell, offer, possess, or consume any alcoholic beverages, except in accordance with a special event and supplemental alcohol permit as provided in Chapter 19.5 of this Code of Ordinances.

(4) Cook foodstuff on grills other than those public grills provided by the city for that purpose. Persons may utilize grills provided by the city only for cooking in the designated park areas. No fires or food preparation is allowed that pose a hazard to public property or the general public.

(5) Set or stoke a fire, except for city-authorized prescribed burns or those fires set or stoked in designated City grills, where they are provided, and said fire shall not be allowed if it poses a hazard to public property or the general public.

(6) Litter, dump, or fail to remove all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse left or caused in the use of a park. If no trash receptacles are provided, then refuse and trash shall be carried away from the park area by the park user to be properly disposed of elsewhere.

(7) Engage in the defacing, destruction, removal, or alteration of any park facility, structure, grounds, or equipment.

(8) Construct or erect any hut, shanty, or other shelter. Park users may set up a temporary sun/shade apparatus up to ten (10) feet by ten (10) feet in size. Such apparatus must be made of flexible material, and any support lines which extend beyond the length and width of the covering, must be flagged for visibility and cannot be within fifteen (15) feet of any game court, sports field, or children's play equipment. No sun/shade apparatus shall remain in place overnight in any park.

(9) Disturb the natural surface of the ground in any manner unless authorized in writing by the city manager and done in accordance with a city-initiated land management activity.

(10) Erect or affix signs to any tree, post, pole, fence, or park facility or grounds except as provided by city ordinance, or through an approved facility use contract authorized by the city manager.

¹ ~~Strike through~~ text indicates deletions, underline text indicates additions.

~~(11) To bring or otherwise allow any cat, dog, or other animal into any park area, except in a public parking area or registered dogs in Paws Dog Park, walkways adjacent to a park, or where otherwise clearly marked by signs expressly permitting domestic animals in that area. Service animals that are specially trained and actively engaged in service to assist the handicapped are exempted from this section.~~

~~(12) To allow privately owned animals to discharge or deposit waste . All owners or others in charge of privately owned animals shall remove their animal waste from the park grounds, and may deposit animal waste in park trash receptacles.~~

~~(13)~~(11) To disturb or remove any plant, wildlife, animal, bird, or egg located above, upon, or below the surface of the park grounds, or to allow any privately-owned animal to do so unless specifically authorized in writing by the city manager.

~~(14)~~(12) To launch, throw, hurl, or otherwise propel an arrow, spear, BB, pellet, slingshot, javelin, or other dangerous object. This part shall not be used or interpreted to regulate firearms, ammunition, or components thereof as defined in F.S. Ch. 790.

~~(15)~~(13) Use roller skates, roller blades, or skateboards, except on park facilities specifically designated for this purpose.

~~(16)~~(14) Use public restrooms to shave, bathe, and/or shower, unless shower facilities are specifically provided for public use.

~~(17)~~(15) Sleep on park benches, tables, or under any covered areas or pavilion.

~~(18)~~(16) Store personal goods or property on park property.

~~(19)~~(17) Loiter.

~~(20)~~(18) Bathe or otherwise be, use or remain in a water or drinking fountain and/or its reservoir or to allow any privately-owned animal to do so.

~~(21)~~(19) Discharge or deposit human waste, except in toilet facilities provided by the city.

~~(22)~~(20) Engage in the sale, rental, delivery, demonstration, display, or offering as a business promotion any item or service for any non-city sponsored function(s), except as otherwise permitted for special events as provided by Chapter 19.5 of this Code of Ordinances or administrative rule.

~~(23)~~(21) Use any park property for non-city sponsored fundraising activities, except as otherwise permitted for special events as provided in Chapter 19.5 of this Code of Ordinances.

~~(24)~~(22) Engage in gambling, conduct raffles, bingo games, or card games for money or donations for prizes or any other forms of gambling, whether the activity is for charity or otherwise.

~~(25)~~(23) Play or operate any radio, stereo, public address system, or any other sound emitting device in such a manner that the sound produced is audible at a distance of greater than one hundred (100) feet, unless otherwise permitted for special events as provided

in Chapter 19.5 of this Code of Ordinances, except that no action shall be taken to enforce this part until a warning to cease such violation has been issued by a person authorized to enforce this chapter and the violator continues such violation.

~~(26)~~(24) Refuse to vacate any pavilion, table, building, or other portion of a park area that is permitted for the exclusive use of another party as provided by a special event permit or temporary rental agreement authorized by the city.

~~(27)~~(25) ~~Smoke, vape, or use tobacco products in any park, park property, athletic area, playground area, or indoor facility. Smoke tobacco products or use vapor-generating devices. As used in this provision, smoking shall be defined as inhaling, exhaling, burning, carrying, or possessing a lighted tobacco product or the active use of a vapor-generating device. Tobacco product is defined to include cigarettes, pipe tobacco, and any other lighted tobacco product except unfiltered cigars.~~

~~(28)~~(26) Drive any vehicle on any all-purpose field, including the golf course, with the exception of carts and devices allowed by the golf course staff.

SECTION 3. CONFLICTING ORDINANCES. That all ordinances previously adopted by the City in conflict with this Ordinance, or parts thereof, are repealed to the extent inconsistent herewith.

SECTION 4. SCRIVENER'S ERRORS. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 5. SEVERABILITY. 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 6. CODIFICATION. The City Council intends that this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be enforceable in all aspects immediately upon final reading and approval by the City Council for the City of Jacksonville Beach as authenticated herein.

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	01/19/2023
SUBJECT:	Ordinance No. 2023-8190 Text Amendment to Section 34-467 - Flood Hazard Area, Land Development Code

BACKGROUND

The City of Jacksonville Beach participates in the National Flood Insurance Program's (NFIP) Community Rating System (CRS), which is a voluntary incentive program that recognizes and encourages community floodplain management activities and provides the opportunity for premium discounts on flood insurance policies. Jacksonville Beach currently maintains a Class Rating of 6, which offers a 20% discount on flood insurance policies. In 2020, the CRS program established new minimum criteria for communities to maintain a Class 8 rating or better. The Florida Division of Emergency Management's Office of Floodplain Management is working with all Florida CRS communities to ensure compliance with these new criteria prior to the community's scheduled five-year cycle visit (May 2023 for Jacksonville Beach).

The Office of Floodplain Management has provided staff with the recommended changes to amend Section 34-467 - Flood Hazard Area, of the Land Development Code. These proposed changes are compliant with the updated criteria, and adopting the amendments will serve to help maintain the City's Class 6 CRS rating. A summary of the required amendments are:

- Update the Flood Insurance Study (FIS) date to November 2, 2018;
- Update a reference to the Florida Building Code Chapter due to a chapter number change;
- Add a definition of "Accessory Structure";
- Delete definitions for "Existing manufactured home park or subdivision" and "Expansion to an existing manufactured home park or subdivision";
- Correct sub-definitions under "Letter of Map Change";
- Update the definition of "Market Value";
- Delete definition for "New manufactured home park or subdivision";
- Add a new section of standards for non-elevated accessory structures; and
- Update the section on manufactured homes to provide standards compliant with the Florida Building Code.

These proposed amendments to Section 34-467 are consistent with the FEMA issued guidance for communities to maintain a Class 8 CRS rating or better. In addition to these changes, the Office of Floodplain Management has advised the City that Section 7-17 of the City's Code of Ordinances is no longer required, and can be repealed, as this is now covered in the latest version of the Florida Building Code.

The Planning Commission reviewed and considered the proposed amendments to Section 34-367 of the Land Development Code at their regular meeting on January 23rd and recommended **approval**.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

FINANCIAL IMPACT

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8190 on the first reading for a text amendment to update Section 34-467 - Flood Hazard Area, of the Land Development Code and schedule a second reading for February 21, 2023

ATTACHMENTS

1. Ordinance Number 2023-8190

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

ORDINANCE NO. 2023-8190

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 34 – LAND DEVELOPMENT CODE, ARTICLE VIII – SITE DEVELOPMENT STANDARDS, DIVISION 5 – ENVIRONMENTAL STANDARDS, SECTION 34-367 – FLOOD HAZARD AREA, TO PROVIDE FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Jacksonville Beach (“City”) participates in the National Flood Insurance Program (“NFIP”) and participates in the NFIP’s Community Rating System (“CRS”), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020, the NFIP CRS established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the City to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the Jacksonville Beach City Council has determined it to be appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet flood proofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the Jacksonville Beach City Council has determined that it is in the public interest to amend the floodplain management regulations to continue participating in the Community Rating System at the current Class Rating of 6.

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

SECTION 1. RECITALS. The above recitals are ratified, correct, and made part of this ordinance.

SECTION 2. AMENDMENTS. That Section 34-467 of the City Code of Ordinances of the City of Jacksonville Beach, Florida is hereby repealed, and as such shall henceforth read as follows¹:

Sec. 34-467. Flood hazard area.

(a) Administration.

(1) *General.*

- a. *Title.* These regulations shall be known as the Floodplain Management Ordinance of the City of Jacksonville Beach, Florida, hereinafter referred to as "this ordinance."
- b. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- c. *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- d. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
 - e. *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
 - f. *Disclaimer of liability.* This ordinance shall not create liability on the part of the City Council of the City of Jacksonville Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (2) *Applicability.*
- a. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
 - b. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Jacksonville Beach, as established in section 34-467(a)(2)c of this ordinance.
 - c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Duval County, Florida and Incorporated Areas dated **November 2, 2018 June 3, 2013**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall in the Planning and Development Department, 11 N. 3rd Street.
 - d. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 34-467(a)(5) of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional

surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- e. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- f. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- g. *Interpretation.* In the interpretation and application of this section, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) *Duties and powers of the flood plain administrator.*

- a. *Designation.* The planning and development director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- b. *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to section 34-467(a)(7) of this ordinance.
- c. *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- d. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- e. *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 34-467(a)(7) of this ordinance.
- f. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

- g. *Inspections.* The floodplain administrator shall make the required inspections as specified in section 34-467(a)(6) of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- h. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
 - 1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 34-467(a)(3)d of this ordinance;
 - 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
 - 4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
 - 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Jacksonville Beach are modified; and
 - 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- i. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions

taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the offices of the Planning and Development Department, 11 North 3rd Street.

(4) *Permits.*

- a. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- b. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- d. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in section 34-467(a)(5) of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the floodplain administrator.
 - e. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
 - f. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
 - g. *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
 - h. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 1. The St. Johns River Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

(5) *Site plans and construction documents.*

- a. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with section 34-467(a)(5)b.2 or 34-467(a)(5)b.3 of this ordinance.
 3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 34-467(a)(5)b.1 of this ordinance.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
 8. Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
 9. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found

that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

b. *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

c. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 34-467(a)(5)d of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation

more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 34-467(a)(5)d of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- d. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) *Inspections.*

- a. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- b. *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- d. *Building, structures, and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code. or the owner's authorized agent, shall submit to the floodplain administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 34-467(a)(5)b.3.(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

- e. *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 34-467(a)(6)d of this ordinance.
 - f. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Inspection Division.
- (7) *Variances and appeals.*
- a. *General.* The Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.
 - b. *Appeals.* The Jacksonville Beach Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Jacksonville Beach Board of Adjustment may appeal such decision to the Circuit Court of Duval County, as provided by Florida Statutes.
 - c. *Limitations on authority to grant variances.* The Jacksonville Beach Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 34-467(a)(7)g of this ordinance, the conditions of issuance set forth in section 34-467(a)(7)h of this ordinance, and the comments and recommendations of the floodplain administrator and the building official. The Jacksonville Beach Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
 - d. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 34-467(a)(5)c of this ordinance.
 - e. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, **Chapter 12_41** Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any

repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

- f. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of section 34-467(a)(7)d, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- g. *Considerations for issuance of variances.* In reviewing requests for variances, the Jacksonville Beach Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - 4. The importance of the services provided by the proposed development to the community;
 - 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - 6. The compatibility of the proposed development with existing and anticipated development;
 - 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- h. *Conditions for issuance of variances.* Variances shall be issued only upon:
 - 1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 - 2. Determination by the Jacksonville Beach Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

- (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(8) *Violations.*

- a. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- b. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- c. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(9) *Definitions.*

- a. *General.*
 - 1. *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.
 - 2. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

3. *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

b. *Definitions.*

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before March 15, 1977. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 15, 1977.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code. Existing Building, **Chapter 12.44** Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. *Letter of Map Amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. *Letter of Map Revision (LOMR).* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

3. *Letter of Map Revision Based on Fill (LOMR-F).* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

4. *Conditional Letter of Map Revision (CLOMR).* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser, is the~~ Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) ~~determined by a qualified independent appraiser,~~ or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 15, 1977 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 15, 1977.~~

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, AI—A30, AE, A99, AH, VI—V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a

building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to section 34-467(a)(7) of this ordinance.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(10) *Flood resistant development.*

a. *Buildings and structures.*

1. *Design and construction of buildings, structures and facilities.* Buildings, structures, and facilities located in flood hazard areas shall be constructed in accordance with Florida Building Code.
2. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to section 34-467(a)(4)c of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction

requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 34-467(a)(10)g of this ordinance.

3. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - (a) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code. Building Section 3109 and Section 1612 or Florida Building Code. Residential Section R322.
 - (b) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

4. Non-elevated accessory structures. Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

- (a) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.**
- (b) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.**
- (c) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.**
- (d) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.**
- (e) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.**

b. *Subdivisions.*

1. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - (b) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 34-467(a)(5)b.1 of this ordinance; and
 - (c) Compliance with the site improvement and utilities requirements of section 34-467(a)(10)c of this ordinance.
- c. *Site improvements, utilities, and limitations.*
 1. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - (d) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
 - (e) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 - (f) Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 34-467(a)(5)c.1 of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

- (g) Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- (h) Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 34-467(a)(5)c.4 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 34-467(a)(10)g.8.

d. *Manufactured homes.*

1. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - (a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code. Residential Section R322.2 and this ordinance.
 - (b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. *Elevation* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone)*. Manufactured homes that are placed, replaced, or substantially improved shall comply with section 34-467(a)(10)d.5 or 34-467(a)(10)d.6 of this ordinance, as applicable.

~~5. *General elevation requirement.* Unless subject to the requirements of section 34-467(a)(10)d.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~6. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 34-467(a)(10)d.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(a) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

~~(b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

~~5.7. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.~~

~~6.8. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.~~

e. *Recreational vehicles and park trailers.*

1. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(a) Be on the site for fewer than one hundred eighty (180) consecutive days; or

(b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

2. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in section 34-467(a)(10)e.1 of this ordinance for

temporary placement shall meet the requirements of section 34-467(a)(10)d of this ordinance for manufactured homes.

f. *Tanks.*

1. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 34-467(a)(10)f.3 of this ordinance shall:
 - (a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (b) Not be permitted in coastal high hazard areas (Zone V).
3. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on, a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
4. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

g. *Other development.*

1. *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of section 34-467(a)(10)c.1.(f) of this ordinance if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and
 - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service

required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

2. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 34-467(a)(10)c.1.(f) of this ordinance.
3. *Retaining walls, sidewalks, and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 34-467(a)(10)c.1.(f) of this ordinance.
4. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 34-467(a)(10)c.1.(f) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 34-467(a)(5)c.3 of this ordinance.
5. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - (a) Structurally independent of the foundation system of the building or structure;
 - (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - (c) Have a maximum slab thickness of not more than four (4) inches.
6. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that

is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

- (c) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - (d) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- (a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - (b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures.
 - (c) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are

permitted without additional engineering analysis or certification of the diversion of floodwater or wave run up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

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 that 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., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	12/08/2022
SUBJECT:	Ordinance No. 2023-8191 Section 7-17 of the Code of Ordinances

BACKGROUND

The State of Florida Department of Emergency Management's Office of Floodplain Management has identified that Section 7-17 of the City's Code of Ordinances is no longer necessary and may be repealed. Section 7-17 provides for a local amendment to the Florida Building Code, and was adopted in 2013. This local amendment is no longer needed by the City of Jacksonville Beach since the Florida Building Code has been updated and supersedes this information. Section 7-16 referencing the Florida Building Code and the City's auto-adoption of the latest edition has been deemed adequate by the State of Florida for the purposes of floodplain management activities.

These changes are being made in conjunction with the required amendments to Section 34-476 of the City's Land Development Code so that the City may maintain compliance with the National Flood Insurance Program's Community Rating System.

FINANCIAL IMPACT

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8191 on the first reading to repeal Section 7-17 of the Code of Ordinances, and schedule a second reading for February 21, 2023

ATTACHMENTS

1. Ordinance Number 2023-8191

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

ORDINANCE NO. 2023-8191

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, BY REPEALING SECTION 7-17 REFERENCING THE FLORIDA BUILDING CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach ("City) has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

WHEREAS, Section 7-17 of Chapter 7, Buildings and Building Regulations of the Jacksonville Beach Code of Ordinance is no longer relevant; and

WHEREAS, the information contained in Section 7-17 is now provided for in the Florida Building Code; and

WHEREAS, the State of Florida Office of Floodplain Management has provided technical support to the City of Jacksonville Beach in the drafting of required floodplain ordinance.

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

SECTION 1. RECITALS. The above recitals are ratified, correct, and made part of this ordinance.

SECTION 2. That Section 7-17 of the City Code of Ordinance of the City of Jacksonville Beach, Florida, is hereby repealed, and as such shall henceforth read as follows¹:

Sec. 7-17. Reserved. ~~Same—Amended.~~

~~The building code adopted in section 7-16 is hereby modified, altered, changed and amended by adopting a revised Chapter 1, Administration, which is attached hereto as Exhibit A and made a part hereof.~~

~~The Florida Building Code, Building is amended by adding a new Section 107.6.1 to the Administration chapter of the Florida Building Code which shall read as follows:~~

~~*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to~~

¹ Strikethrough text indicates deletions, underline text indicates additions.

~~Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

~~The Florida Building Code, Building is amended by adding a new Section 117 to the Administration chapter of the Florida Building Code which shall read as follows:~~

~~117 VARIANCES IN FLOOD HAZARD AREAS~~

~~117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

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 that 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., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	12/28/2022
SUBJECT:	Ordinance Number 2023-8192 Rezoning Application for North Beach Townhomes PUD

BACKGROUND

The property that is subject of the "North Beach Townhomes" project rezoning application is located on the full block bounded by Tenth Street North, First Avenue North, Eleventh Street North, and Second Avenue North. The property consists of 1.41 acres of contiguous property. The property consists of three separate parcels with unique real estate numbers and is under common ownership. The property is currently occupied by two multi-family structures. A third structure was removed in the past three years. Prior to the demolition of the third structure, the property had 21 residential multi-family units. Adjacent uses include a City park to the north, multi-family units to the east, a commercial strip center and retail gas sales with a convenience store to the south, and single-family dwellings to the west. The subject property is one block north of Beach Boulevard. The property is currently zoned RM-1, and is a transitional zoning district between the Commercial Community: C-2 zoning district along Beach Boulevard and the Residential Single-Family: RS-1 to the north and west.

The property is currently located in the Residential High Density future land use category, which allows up to 40 units an acre within one block of a major transportation corridor, for which Beach Boulevard qualifies. The applicant is proposing a 34 unit town home project, at a maximum density of 24.11+- units per acre. This is the maximum density proposed by the applicant. Upon engineering review during the Development Plan review stage of the project, it may be such that they will be able to provide one or two less units than proposed, so the density requested is a maximum.

The proposed project will consist of fee-simple townhomes contained in one large project. As townhomes, each unit will provide two required parking spaces inside an attached garage for each unit. Additionally, a majority of the townhomes will be accessed from an internal private road that will be owned by the developer/homeowners once the units are sold. The project is intended to be developed in a single phase.

All rezoning applications must be reviewed by the Planning Commission and City Council. The Planning Commission shall provide a recommendation to the City Council. The Planning Commission will review applications for rezoning based on the criteria set forth in the LDC, per section 34-211(c). Those standards are as follows:

1. Whether the proposed amendment is consistent with the comprehensive plan;
2. Whether the proposed amendment is in conflict with any portion of the LDC;
3. Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;
4. Whether and the extent to which there are any changed conditions that require an amendment;

5. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;
6. Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;
7. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;
8. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
9. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
0. Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Staff has reviewed the applicant's request and finds that the application is consistent with the adopted Comprehensive Plan and is not in conflict with the LDC. Staff additionally finds the proposed zoning amendment is consistent with the existing land uses in the immediate vicinity, and serves as a transition from commercial zoning districts to single-family residential zoning districts. Additionally, the proposed use is consistent with the previous use of the property as multi-family.

Pursuant to section 34-348 of the City Code of Ordinances, the purpose and intent of a PUD: "The application of flexible land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a planned unit development (PUD) zoning district designation in which development is in harmony with the general purpose and intent of this Code and the comprehensive plan. The objective of a PUD zoning district is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development which is in keeping with overall land use intensity and open space objectives of this Code and the comprehensive plan, while departing from the strict application of the dimensional standards of the traditional zoning districts."

Section 34-348(a) further outlines specific justifications for the use of the PUD zoning district as follows:

"The intent of the PUD zoning district designation is to permit such flexibility and provide performance criteria for PUD which:

1. Permits a creative approach to the development of land;
2. Accomplishes a more desirable environment than would be possible through the strict application of the minimum standards of this Code;
3. Provides for an efficient use of land, resulting in small networks of utilities and streets, thereby lowering development costs;

4. Enhances the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;
5. Provides an opportunity for new approaches to ownership;
6. Provides an environment of stable character compatible with surrounding areas; and
7. Retains property values."

As previously noted and further enumerated in the proposed site plan (sheet C.1), the project will consist of 34 individually platted town homes to be sold as fee-simple dwellings. The proposed design differs from standard townhome dimensional standards noted in the standard zoning districts in a number of ways. First, the structures are arranged in such a way as a majority of the townhomes will be accessed from an internal, private street. Second, setbacks have been reduced on the front and rear to allow the combination of space into larger community open spaces and a community amenity center.

The townhomes will have a range of setbacks that depends on their location within the project, which will go from a minimum of zero feet, to a maximum of 10 feet. There are no internal setbacks between each unit attached in groups of 6. Additionally, some of the reduced front and rear yard square footage has been allocated to the private internal road. Third, the reduction in front and rear yard setbacks; the overall lot sizes per unit have been reduced as well from the standard. Fourth, balconies and other projections are also allowed to protrude beyond the property line into the common areas, unlike standard zoning. Fifth, overall lot coverage is higher, but the applicant has attempted to mitigate some of the impact of the road and driveways through the use of pervious pavers, a common solution found throughout the City. Sixth, the required access from a public street has been waived for those units that will have frontage on the internal road.

Staff's analysis of this project is that it is consistent with the adopted Comprehensive Plan and the current LDC. The proposed project serves to provide a creative approach to townhome development, while providing a more compact design with the use of internal permeable pavers and stormwater retention. The project will have common amenities for the prospective owners, much like a condominium community, while still allowing for individual home ownership. The overall density is just over half of the allowed maximum, which potentially could be achieved through a multifamily project. The reduced impact in population and traffic versus the maximum density that could be achieved is a net improvement for the City. Additionally, the proposed project furthers the Goals and Objectives of the Comprehensive Plan, promoting infill development in previously developed areas and locating more intensive residential development within one block of a major transportation corridor with access to mass transit in the form of JTA bus stops along the north side of Beach Boulevard.

Staff recommended that the Planning Commission vote to recommend **approval** of the rezoning request for the North Beach Townhomes PUD project. At their regular meeting on Monday, January 23, 2023, the Planning Commission voted to recommend **denial** of the rezoning application, citing concerns with parking, traffic, and impacts on quality of life.

FINANCIAL IMPACT



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8192 on the first reading for Rezoning for North Beach Townhomes PUD, and schedule a second reading for February 21, 2023

ATTACHMENTS

1. Ordinance No. 2023-8192
2. Rezoning Application
3. Site Plan

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

ORDINANCE NO. 2023-8192

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, the owners of certain lands in the City, more particularly described herein, have applied to the City Council for the rezoning of those lands from Residential, Multiple-family: RM-2, to Planned Unit Development: PUD; and

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

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

SECTION 1. That the City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

SECTION 2. That the Land Development Code and Zoning Atlas previously adopted by the City Council of the City of Jacksonville Beach, Florida, be and the same is hereby amended and, as amended, shall henceforth read as follows:

That all of the certain territory in the City of Jacksonville Beach, Florida, described in the “Legal Description of Applicant’s Property” attached to the project narrative that is heretofore zoned as Residential, multiple-family: RM-2, be and the same is hereby designated as Planned Unit Development: PUD, so that henceforth the same shall be classified and construed to be embraced within the meaning and subject of the general provisions of the Planned Unit Development: PUD zoning category as provided in Article VII, Section 34-348 of the Jacksonville Beach Land Development Code (Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach, Florida), subject to the following additional limitations:

- A. The rezoning application dated December 7, 2022 attached hereto as Exhibit I (including project narrative description dated December 3, 2022 and Preliminary PUD Development Plan titled “Site Plan” dated December, 2022 attached thereto), which have been submitted to the City of Jacksonville Beach Planning and Development Department, are hereby adopted and

incorporated as part of this amendment to the Jacksonville Beach Land Development Code and Zoning Atlas.

- B. The project shall be generally carried out in accordance with the presentments of the rezoning application, project narrative, and preliminary site development plan.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may be in conflict, hereby repealed.

SECTION 4. 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. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED this ____ day of _____, 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney



REZONING APPLICATION

RECEIVED

PC No. 02-23
AS/400# 22-100146
PC HEARING 01-23-23

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: Beach Block Townhomes, LLC
Mailing Address: 7563 Philips Highway Suite 208
Jacksonville, Florida 32256

Telephone: 904-677-6777
Fax: _____

E-Mail: info@jwbcompanies.com

Applicant Name: Same
Mailing Address: _____

Telephone: 904-677-6777
Fax: _____

E-Mail: info@jwbcompanies.com

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

Agent Name: Zach Miller, Esq.
Mailing Address: _____
3203 Old Barn Court, Ponte Vedra Beach, Florida 32082

Telephone: 904-651-8958
Fax: _____

E-Mail: zwmillerlaw@gmail.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

177307-0000

Street address of property and/or Real Estate Number: 1005 1st Ave North, 1010 2nd Ave North, 115 11th Street North St

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: RM-1 Future Land Use Map Designation: HDR

Proposed Zoning Classification: PUD

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: Zach Miller Date: 12/7/2022

LEGAL DESCRIPTION OF APPLICANT'S PROPERTY

A part of Government Lots 3 and 6, Section 33, Township 2 South, Range 29 East, Duval County, Florida, said part being more particularly described as follows: For the point of beginning commence at the intersection of the East line of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East With the Southerly right-of-way line of 2nd Avenue North (formerly Willard Avenue) as now established as an 80 feet right-of-way, said East line of the Castro Y Ferrer Grant, Section 38, also being the Easterly right-of-way line of 11th Street, as now established as a 40 foot right-of-way; thence run S. 9°37' E. along said East line of the Castro Y Ferrer Grant, a distance of 209.86 feet to the Northerly right-of-way line of 1st Avenue North, as now established; thence runs S. 83°23' E. along said Northerly right-of-way line of 1st Avenue North, a distance of 123.88 feet; thence run N 11°18' W., a distance of 229.44 feet to the aforesaid Southerly right-of-way line of 2nd Avenue North, thence run S. 88°05' W. along said Southerly right-of-way line, a distance of 113.10 feet to the point of beginning.

A/K/A: 115 N 11th St., Jacksonville Beach, FL 32250 / Parcel # 177305-0010

And

PARCEL NO.1: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 96.70 feet; thence South 11°18" East, parallel with said westerly right of way line of Tenth (10th) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning. PARCEL NO. 2: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10th) Street North; thence North 11°18" West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

RE#: 177307-0000

LEGAL DESCRIPTION OF APPLICANT'S PROPERTY

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, LYING IN AND BEING PART OF GOVERNMENT LOTS 3 AND 6, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 29 EAST, IN THE CORPORATE LIMITS OF JACKSONVILLE BEACH, ,DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 30, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE SOUTH 88° 05' 00" WEST BY AND ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF 2ND AVENUE NORTH, AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, A DISTANCE OF 50.68 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 10TH STREET, A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 127.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 126.61 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 1ST AVENUE NORTH, A RIGHT-OF-WAY VARIED WIDTH AS NOW ESTABLISHED; THENCE NORTH 83° 18' 00" WEST BY AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 157.81 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 4507, PAGE 452, OF SAID CURRENT PUBLIC RECORDS; THENCE NORTH 11° 18' 00" WEST BY AND ALONG SAID EASTERLY BOUNDARY AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET, A DISTANCE OF 114.92 FEET TO THE SOUTHERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 3721, PAGE 492(EX) AND O.R. BOOK 5567, PAGE 996 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTH 87° 25' 32" EAST BY AND ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 154.59 FEET TO THE

WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET AND THE POINT OF BEGINNING.

RE#: 177306-0000

Address: 1005 1st Avenue North, Jacksonville Beach, FL 32250

NORTH BEACH TOWNHOMES PUD
REVISED PUD NARRATIVE

December 3, 2022

Owners: *Beach Block Townhomes, LLC*
(1005 1st Avenue North, 1010 2nd Avenue North and 115 11th Street North))
7563 Phillips Highway Suite 208
Jacksonville, Florida 32256

Agent: Zachary Miller, Esq.
7563 Phillips Highway Suite 208
Jacksonville, Florida 32256

Applicant: JWB Real Estate Capital, LLC

Project Name: North Beach Townhomes

Parcel(s) Size: Approximately 1.41 acres

Project location: 1005 1st Avenue North, Jacksonville Beach, Florida 32250
115 1st Avenue North, Jacksonville Beach, Florida 32250
1010 2nd Avenue North, Jacksonville Beach, Florida 32250

See Attached Property Assessment Map and Vicinity Map

Legal Description: *See Attached Deeds and Legal Descriptions*

Existing Zoning: RM-1

Future Land Use: High Density residential

Preliminary PUD Development Plan: *See attached Preliminary PUD Development Plan.*

Signage Plan: Sign regulations per Article VIII, Division 4 of the Land Development Code

Request: The owners are requesting to rezone the property from RM-1 to Planned Unit Development with the PUD narrative written herein and the Preliminary Development Plan attached governing the development standards.

December 3, 2022
Project Narrative

Permitted Uses:

- 34 Townhome dwellings. The RHD Future Land Use Designation allows up to 40 units an acre.
- Recreational, amenity uses and common areas which shall be owned and maintained by an owner's association.
- Maintenance offices and facilities which shall be owned and maintained by an owner's association.

Accessory Uses (In common areas which shall be owned and maintained by an owner's association):

- Pool
- Gazebos, cabanas, exterior fireplace, recreational facilities and other similar structures.
- Non-commercial television and radio antennas not exceeding a height of five (5) feet above roof line (may be allowed on units)
- Barbecue pits.
- Vegetable gardens, non-commercial greenhouses and similar uses.
- Any use customarily accessory to the permitted uses.

Prohibited Uses:

- The business of outdoor advertising

**Minimum Lot
Area:**

Lots 1, 5, 6, 11:	1,090 sf (54.5 ft. x 20 ft.)
Lots 2-4, 7-10:	1030 sf (54.5 ft. x 19 ft.)
Lots 12, 16, 17, 22:	890 sf (44.5 ft. x 20 ft.)
Lots 13-15, 18-21:	840 sf (44.5 ft. x 19 ft.)

Lots 23,28,29,34: 990 sf (49.5 ft. x 20 ft.)

Lots 24-27, 30-33: 940 sf (49.5 ft. x 19 ft.)

The attached preliminary development plans show end lots that are either 24 feet, 23 feet or 21 feet wide. Notwithstanding the minimum lot areas set forth above and the lot width shown on the preliminary development plans, Developer has the option to decrease the lot width (and corresponding lot area) of the end lots to no less than 20 feet in width to make the interior lots (which are 19 feet wide) wider (and corresponding lot area larger).

**Minimum/Maximum
Townhome Size:**

Min: 1,400 sq. ft. (heated area)/1,800 sq. ft. (gross square footage).

Max: 2,800 sq. ft. (heated area)/3,200 sq. ft. (gross square footage)

Max Height: Thirty-five (35) feet (as measured per the COJB Charter and LDC)

Density: Approximately 24.11 units an acre.

Height: The buildings shall not exceed thirty-five (35) feet in height. Building height means the vertical distance from the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable and gambrel roofs. The height limits do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.

**Minimum Yard
Requirements:**

As shown on the attached Preliminary Development Plan. Setbacks are measured from the lot lines of the individual townhome lots and does not include space owned by the owner's association, which provides further setback from the exterior property line of the project.

Side Yard Setback: 0 Feet.

Front Yard Setback:

Lots 12-22: 0 Feet.

Lots: 1-11: 0 Feet (side opposite 2nd Avenue North)

December 3, 2022

Project Narrative

Lots: 23-34: 5 Feet (side on 1st Avenue North)

Rear Yard Setback:

Lots 12-22: 0 Feet.

Lots 1-11: 10 Feet (side on 2nd Avenue North)

Lotss 23-24: 0 Feet (side opposite 1st Avenue North)

Balconies on the second and third floor may protrude into the common areas owned by the HOA by up to three (3) feet.

Eaves may protrude over common areas owned by the HOA up to eighteen (18) inches.

**Maximum Lot
Coverage:**

75%, as applied cumulatively over the entire development.

**Impervious
Surface
Coverage:**

80%, as applied cumulatively over the entire development. Driveways and internal roads/easements may feature paver block (which is a pervious paver) to decrease the amount of impervious surface. Please attached exhibit as to specifications for paver block. Portions of the driveways for Lots 23-34 will also feature paver block, including those portions located in the right-of-way. Owner and owner's association will warrant that if any work is conducted in the right-of-way which requires removal of the paver blocks that owner or owner's association will pay for the cost to replace.

Utilities:

All new utilities on the site will be installed underground.

There shall be at least fifteen (15) feet from the edge of the public streets to any transformer.

Air conditioning pads may be located within the BES easement areas/common areas as shown on the preliminary development plan.

Access:

Access shall be provided to the site as shown on the attached Preliminary Development Plan. Private sidewalks and private access driveways may have no setback from property lines and maybe located in required yards.

The private access driveways will have street names. Units will be addressed per the new street names.

December 3, 2022

Project Narrative

Parking: Each townhome will feature a two-car garage. The material for the garage access area/driveways shall be the same as for the access easement drives.

Public Facilities:

The project will provide stormwater retention which complies with the applicable SJWMD regulations and permits and Chapter 34, Article VIII, Division 5, LDC.

The project shall be subject to the City of Jacksonville Beach Mobility Plan and fee structure.

Sec. 34-395, LDC provides that 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 (2.5) feet and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said 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 Sec. 34-425(h), LDC. The project will comply with this requirement.

The project shall be subject to the applicable school concurrency regulations and interlocal agreement.

Any sidewalks that are located on private property shall be maintained by a owner's association. Required sidewalks shall be four-inch-thick monolithic concrete with a maximum slope of one-quarter ($\frac{1}{4}$) inch per foot. Detailed plans for any required sidewalks shall be submitted with the engineering plans for the proposed subdivision, as required by Sec. 34-505(f)(1)(c), LDC.

Landscaping:

A minimum of 20 percent of gross land area of the site will be used as common recreation and usable space, as shown the applicable Preliminary Development Plan. Common recreation and usable open space are not the same thing as lot coverage or impervious surface.

Landscaping with suitable and appropriate vegetation shall be provided as generally shown in areas in the Preliminary Development Plan.

Eleven (11) trees that are at least four (4) inches in diameter shall be planted on the property or some combination of trees so that a total of forty-four (44) inches of trees are planted (with no tree being less than two inches in

diameter). Specimen palms may be used for additional tree credit, as approved pursuant to the applicable requirements in the Land Development Code.

Phasing: The project will be developed in a single phase.

**Comprehensive
Plan Consistency:** Policy LU 1.2.1(3) – High Density Residential – Twenty-one (21) to forty (40) units per acre.

The proposed PUD has a density of approximately 24 units per acre which is within the density specified in the applicable Future Land Use Category and is therefore consistent with the comprehensive plan.

Policy LU 1.4.2. It is the intent of the City to carry out future residential land use planning and regulation which encourages and offers incentives, where warranted, for private enterprise to meet the demand for adequate housing for the present and future residents of the community, including those with low- and moderate- incomes, the elderly, the handicapped, or others having special housing needs.

The density allowed in the Future Land Use designation for this property is the highest residential category allowed by the City of Jacksonville Beach. The goal of this policy is to allow for the clustering of development at this and nearby locations sharing the same FLU designation. The added density helps ensure an adequate supply of housing for present and future residents in areas deemed appropriate by the City – such as this property.

Policy LU.1.4.15. Review future land development/redevelopment proposals to promote transit-oriented development patterns at transit stations and at transit centers to provide for easy access to transit service. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian- and bicycle-oriented environment and support transit use. The inclusion of multifamily residential land use, at densities up to 40 units per acre, into commercial development and redevelopment projects in the Central Business District and in commercial areas within one block of designated transit routes on Beach Boulevard or 3rd Street shall be encouraged, as well as the provision of bicycle parking and storage facilities, and internal and perimeter sidewalks and other pedestrian amenities, through reductions or credits related to mobility fee calculation for those projects.

The property is located one-block from the Beach Boulevard Corridor and the Beaches Express JTA bus line.

The project will also feature interior and perimeter sidewalks which will encourage use of the nearby public park and bicycle and pedestrian access to the nearby commercial developments and public amenities.

Objective LU 1.6 Energy Efficiency. Promote compact, mixed-use, and energy efficient development arranged to encourage pedestrians, bicycle, and transit use, leading to a more sustainable community and a reduction in greenhouse gases.

The project is near intense commercial development, public amenities, and transit service. This will provide nearby options to residents to use transit, bicycles or pedestrian facilities instead of automobiles.

Policy LU 1.6.1 Encourage the maintenance, restoration, and adaptive reuse of existing developed areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled.

The project replaces multi-family buildings which were built in 1974 and 1976, per the Duval County Property Appraiser. The project provides in-fill development in an existing developed area that utilizes existing public facilities and amenities and replaces older energy-inefficient buildings with new more energy efficient buildings.

Policy LU 1.7.2 Encourage development/redevelopment at an appropriate scale, form, and density/intensity to support more economical and efficient public bus transit service.

As stated above, the project is one block from JTA's bus transit service. The proposed density is similar to the nearby apartments and senior living facilities which is appropriate for and compliments the nearby bus transit service.



Jacksonville
Nephtine-Bea

3rd Ave N

Gonzales Park

3rd Ave N

1st Ave N

2nd Ave N

2nd Ave N

2nd Ave N

3rd Ave N

1st Ave N

1st Ave N

Beach Blvd

212 Beach Blvd 90

Beach Blvd 90 212

Holiday Inn Express Jacksonville

Chan's Chinese Restaurant

Bea's Animal Clinic

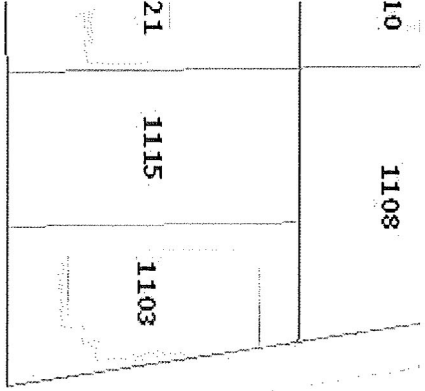
Livingston Tattoo Studio

Tropical Smoothie Cafe

Chenhouse Subs

European Street Cafe

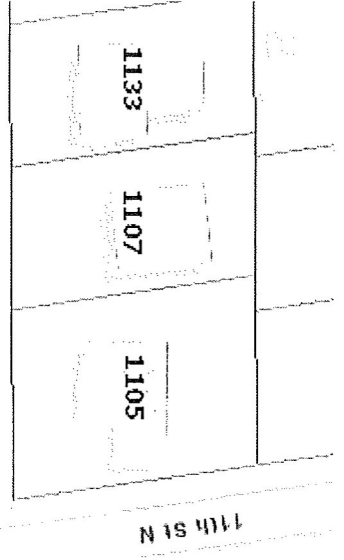
Baptist Primary Care



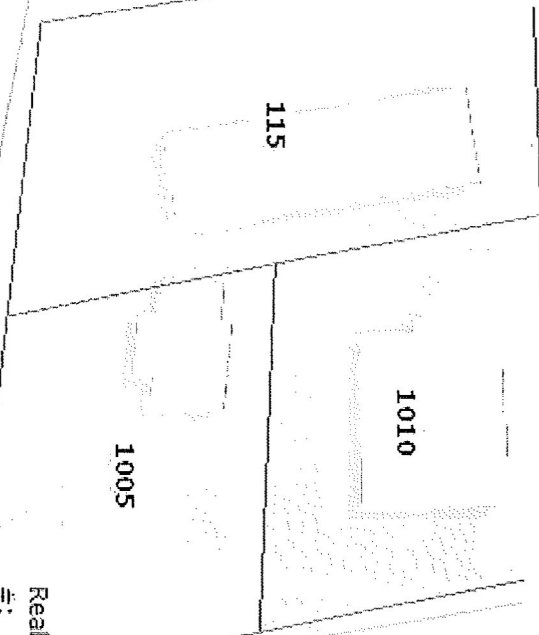
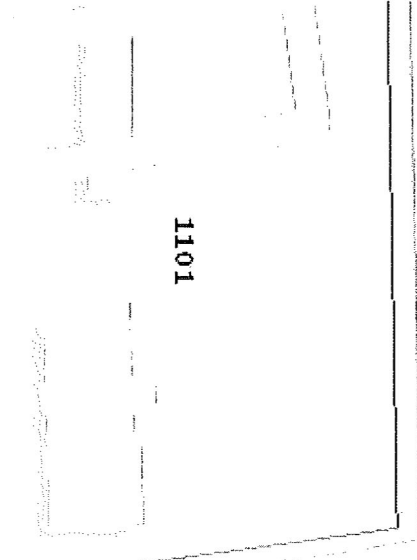
RECEIVED
22-100146
DEC - 7 2022

PLANNING & DEVELOPMENT

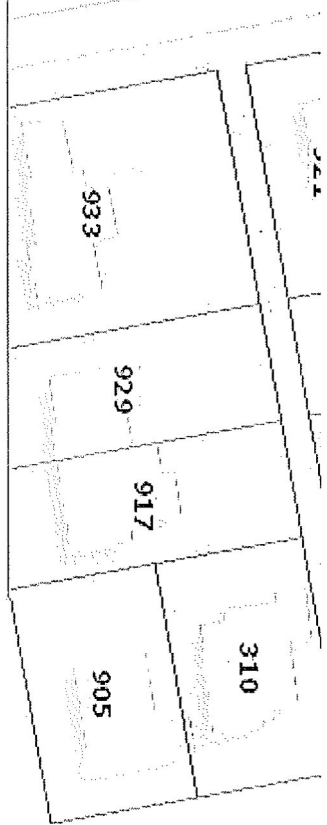
Real Estate #:
177305 0010
Owner: BEACH BLOCK TOWNHOMES LLC
Address: 115 11TH ST N
City: JACKSONVILLE BEACH
Zip Code: 32250
Acres: 0.57



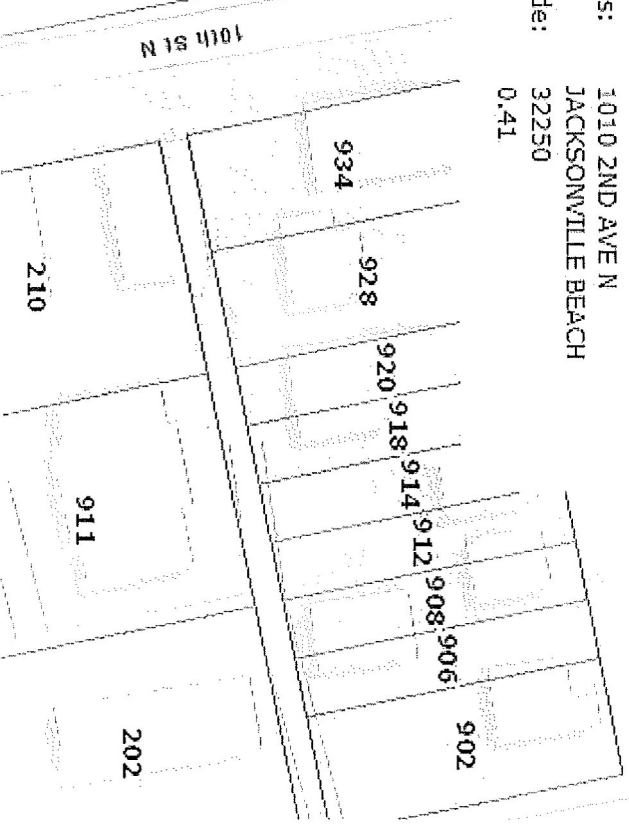
1st Ave N



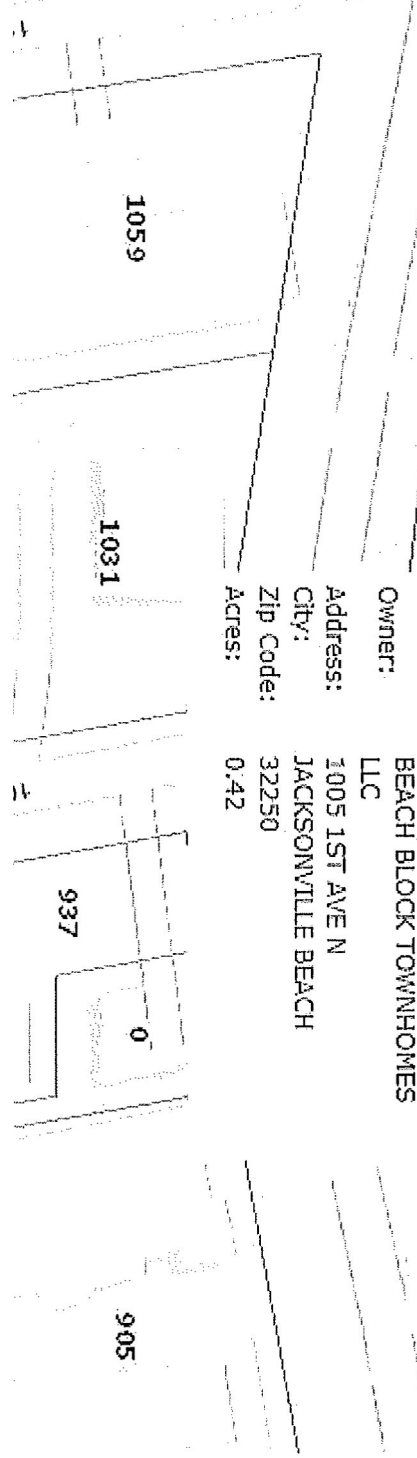
Real Estate #:
177307 0000
Owner: BEACH BLOCK TOWNHOMES LLC
Address: 1010 2ND AVE N
City: JACKSONVILLE BEACH
Zip Code: 32250
Acres: 0.41



2nd Ave N



Real Estate #:
177306 0000
Owner: BEACH BLOCK TOWNHOMES LLC
Address: 1005 1ST AVE N
City: JACKSONVILLE BEACH
Zip Code: 32250
Acres: 0.42



Compliance With Sec. 34-348(j)(3), LDC

Sec. 34-348(i) provides, “*Action by planning commission.* The planning commission shall conduct a public hearing on the application pursuant to the procedures in section 34-151 et seq. and after close of the public hearing recommend to the city council approval, approval with conditions, or denial of **the preliminary development plan for the PUD zoning district classification**. In reviewing and making a recommendation, the planning commission shall apply the standards in section 34-348(j)3.”

Sec. 34-348(j)(2), LDC provides, “*Decision.* The city council shall consider the application, the relevant support materials, the staff report, the recommendation of the planning commission, and public testimony, and after the close of the public hearing(s) shall approve, approve with conditions, or deny the application for development permit for **the preliminary development plan for a PUD zoning district classification** based on the standards of section 34-348(j)3.”

SECTION 34-348(j)(3), LDC

Standards. A preliminary development plan for a PUD shall comply with the following standards:

A. Area. There shall be no minimum acreage required.

The project is approximately 1.41 acres in size.

B. Unified ownership or control. The title to all land that is part of a PUD zoning district designation shall be owned or controlled by one person. A person shall be considered to control all lands in the PUD either through ownership or **written consent of the owners of the land** to be subject to the conditions and standards of the development order for the development plan for the PUD zoning district designation.

The applicant is the current owner for the property.

C. Density. Residential development shall not exceed the maximum densities established in the RM-2 zoning district.

The density of the proposed project is approximately 24 units per acre, which is less than the 40 units per acre established in the RM-2 zoning district (or allowed by the underlying land use designation)

D. Building height: Thirty-five (35) feet.

The project narrative specifies a height limitation of thirty-five (35) feet which complies with the City charter and LDC height regulations.

- E. Access.** Safe and adequate access shall be provided to all development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or a commonly owned easement. City-owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic municipal services such as fire and police protection and emergency service needs of the residents of the PUD.

Access to the project is via public rights-of-way and internal access will be via privately maintained driveways. Access will be allowed to city vehicles via an easement per the recorded plat.

- F. Off-street parking and loading.** The off-street parking and loading standards for the preliminary development plan for PUD shall comply with the requirements of article VIII, division 1.

Two (2) parking spaces per dwelling unit shall be provided as required by Sec. 34-777, LDC.

- G. Adequate public facilities.** There shall be a demonstration that the development proposed in the preliminary development plan complies with article X, adequate public facilities standards.

The project will provide stormwater retention which complies with the applicable SJWMD regulations and permits and Chapter 34, Article VIII, Division 5, LDC. Specifically, the project will feature on-site retention facilities.

The project shall be subject to the City of Jacksonville Beach Mobility Plan and fee structure.

The project shall be subject to the applicable school concurrency regulations and interlocal agreement.

- H. Common recreation and open space.** The preliminary development plan shall comply with the following common recreation and open space standards.

A minimum of twenty (20) percent of the gross land in the development plan shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way, or minimum yards and spacing between buildings shall not be included when determining usable open space. Water bodies contained on-site may account for up to fifty (50) percent of the required open space.

All common open space and recreational facilities shall be included in the development plan. Such common open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each development phase of the development plan.

All privately owned common open space shall continue to conform to its intended use as specified in the development plan. To ensure that all the common open space

identified in the development plan will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and prohibit the partition of any common open space.

A minimum of twenty (20) percent of gross land area of the site will be used as common open space and recreational area, including sidewalks, pool, pool deck, including pervious and impervious areas contained therein. These areas are shown on the preliminary development plan. The common areas shall be maintained and owned by a homeowner's association. Common open space area maintenance shall be reflected in recorded covenants of the homeowner's association. The interior driveway does not count towards this open space calculation.

I. Compatibility of open spaces. Open space uses shall be designed in a compatible manner.

The open space provided is compatible with the proposed residential uses.

J. Compatibility with surrounding land uses. The development proposed in the Preliminary development plan shall be consistent with the character of surrounding land uses.

The proposed project is similar in character, scale and density to several nearby residential developments and provides an appropriate transition from the nearby commercial development to the nearby residential developments. Internally, the proposed project is denser to the south (close to the existing commercial uses) and less dense to the north (close to the existing residential areas).

K. Beach access. The preliminary development plan shall not diminish existing public beach access.

Not applicable.

L. Consistency with comprehensive plan. The preliminary development plan shall be consistent with the comprehensive plan.

The proposed PUD and incorporated PDP is consistent with the comprehensive plan, specifically the following policies and objectives.

Policy LU 1.2.1(3) – High Density Residential – Twenty-one (21) to forty (40) units per acre.

Policy LU 1.4.2 - It is the intent of the City to carry out future residential land use planning and regulation which encourages and offers incentives, where warranted, for private enterprise to meet the demand for adequate housing for the present and future residents of the community, including those with low- and moderate- incomes, the elderly, the handicapped, or others having special housing needs.

Policy LU.1.4.15-Review future land development/redevelopment proposals to promote transit-oriented development patterns at transit stations and at transit centers to provide for easy access

to transit service. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian- and bicycle-oriented environment and support transit use. The inclusion of multifamily residential land use, at densities up to 40 units per acre, into commercial development and redevelopment projects in the Central Business District and in commercial areas within one block of designated transit routes on Beach Boulevard or 3rd Street shall be encouraged, as well as the provision of bicycle parking and storage facilities, and internal and perimeter sidewalks and other pedestrian amenities, through reductions or credits related to mobility fee calculation for those projects.

Objective LU 1.6 Energy Efficiency. Promote compact, mixed-use, and energy efficient development arranged to encourage pedestrians, bicycle and transit use, leading to a more sustainable community and a reduction in greenhouse gases.

Policy LU 1.6.1 Encourage the maintenance, restoration and adaptive reuse of existing developed areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled.

Policy LU 1.7.2 Encourage development/redevelopment at an appropriate scale, form, and density/intensity to support more economical and efficient public bus transit service.

20-100146

DEC - 7 2022

AGENT AUTHORIZATION

November 7, 2022

PLANNING & DEVELOPMENT

To Whom It May Concern:

This letter is to authorize Zach Miller, Esq. to sign and act as agent for submittal, amendment and approval of applications for a PUD rezoning for properties with the following real estate numbers: 177307 0000, 177305 0010, and 177306 0000

Beach Block Towhomes, LLC

By: [Signature]

Name: Alex Sifakis

Title: Manager

COUNTY OF DUVAL
STATE OF FLORIDA

The foregoing was acknowledged before me this 7 day of November by Alex Sifakis as Manager of Beach Block Townhomes on behalf of the Limited Liability Company. He/She is personally known to me or produced n/a - personally known as identification.



Brittany Caroon
Comm.: HH 153890
My Commission Expires:
July 14, 2025

[Signature]
Notary Public Signature
Print Name: Brittany Caroon
Commission Expires: _____



REZONING APPLICATION

DEC - 7 2022

PC No. _____

AS/400# _____

PC HEARING 1.23.23

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: Beach Block Townhomes, LLC

Mailing Address: 7563 Phillips Highway Suite 208

Jacksonville, Florida 32256

Telephone: 904-677-6777

Fax: _____

E-Mail: info@jwbcompanies.com

Applicant Name: Same

Mailing Address: _____

Telephone: 904-677-6777

Fax: _____

E-Mail: info@jwbcompanies.com

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

Agent Name: Zach Miller, Esq.

Mailing Address: _____

3203 Old Barn Court, Ponte Vedra Beach, Florida 32082

Telephone: 904-651-8958

Fax: _____

E-Mail: zwmillerlaw@gmail.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: 1005, 115 1st Avenue North and 1010 2nd Avenue North

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: RM-1 Future Land Use Map Designation: HDR

Proposed Zoning Classification: PUD

REQUIRED INFORMATION

	<u>Attached?</u>	
	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: Zach Miller

Date: 11/8/2022

2022 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L20000328607

Entity Name: BEACH BLOCK TOWNHOMES LLC**Current Principal Place of Business:**7563 PHILIPS HWY
BLDG 100
JACKSONVILLE, FL 32256**Current Mailing Address:**7563 PHILIPS HWY
BLDG 100
JACKSONVILLE, FL 32256 US**FEI Number:** 85-3494040**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**MCKILLOP LAW FIRM PL
7563 PHILIPS HWY
BLDG 500
JACKSONVILLE, FL 32256 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGR
Name SIFAKIS, ALEXANDER
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name COHEN, GREGORY
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name EISEMAN, ADAM
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name RIGEL, ADAM
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: ALEXANDER SIFAKIS**MANAGER****03/23/2022**

Electronic Signature of Signing Authorized Person(s) Detail

Date

LEGAL DESCRIPTION OF APPLICANT'S PROPERTY

A part of Government Lots 3 and 6, Section 33, Township 2 South, Range 29 East, Duval County, Florida, said part being more particularly described as follows: For the point of beginning commence at the intersection of the East line of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East With the Southerly right-of-way line of 2nd Avenue North (formerly Willard Avenue) as now established as an 80 foot right-of-way, said East line of the Castro Y Ferrer Grant, Section 38, also being the Easterly right-of-way line of 11th Street, as now established as a 40 foot right-of-way; thence run S. 9°37' E. along said East line of the Castro Y Ferrer Grant, a distance of 209.86 feet to the Northerly right-of-way line of 1st Avenue North, as now established; thence runs S. 83°23' E. along said Northerly right-of-way line of 1st Avenue North, a distance of 123.88 feet; thence run N 11°18' W., a distance of 229.44 feet to the aforesaid Southerly right-of-way line of 2nd Avenue North, thence run S. 88°05' W. along said Southerly right-of-way line, a distance of 113.10 feet to the point of beginning.

A/K/A: 115 N 11th St., Jacksonville Beach, FL 32250 / Parcel # 177305-0010

And

PARCEL NO.1: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 96.70 feet; thence South 11°18" East, parallel with said westerly right of way line of Tenth (10th) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning. PARCEL NO. 2: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10th) Street North; thence North 11°18" West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

RE#: 177307-0000

22-100146

DEC - 7 2022

Prepared under the direction of and return to:

Ian McKillop
 McKillop Law Firm, PL
 7563 Philips Highway
 Building 500
 Jacksonville, FL 32256
 File Number:
 Consideration

RECORDED & INDEXED

WARRANTY DEED

This Warranty Deed made this 28th day of December, 2020 between **JWB Real Estate Capital, LLC, a Florida limited liability company** whose post office address is **7563 Philips Highway, Suite 208, Jacksonville, FL 32256** (whether singular or plural, "Grantor"), and **Beach Block Townhomes, LLC, a Florida limited liability company**, whose post office address is **7563 Philips Highway, Suite 208, Jacksonville, FL 32256** (whether singular or plural, "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts, and trustees)

WITNESSETH, that Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval, FL, (the "Property"):

PARCEL NO.1: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 96.70 feet; thence South 11°18" East, parallel with said westerly right of way line of Tenth (10th) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning. **PARCEL NO. 2:** A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10th) Street North; thence North 11°18" West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

RE#: 177307-0000

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Witness Signature: [Signature]
Witness Name: Ian McKillop

Witness Signature: [Signature]
Witness Name: Abbey McKillop

JWB Real Estate Capital, LLC, a Florida Limited Liability Company

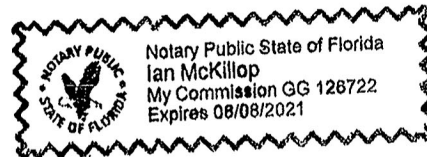
[Signature]
Adam Rigel, Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of February, 2021, by **Adam Rigel, Manager of JWB Real Estate Capital, LLC, a Florida Limited Liability Company**, who is personally known to me or who produced the identification set forth below.

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced: _____



Prepared under the direction of and return to:

Ian McKillop
McKillop Law Firm, PL
7563 Philips Highway
Building 500
Jacksonville, FL 32256
File Number: 20-1335
Consideration: \$0.00

22-100146
DEC - 7 2022

RECORDED & INDEXED

QUITCLAIM DEED

This Quitclaim Deed is made this 1st day of February, 2021 by **JWB Real Estate Capital, LLC, a Florida Limited Liability Company**, whose post office address is 7563 Philips Hwy, Suite 208, Jacksonville, FL 32256 (whether singular or plural, "Grantor"), to and in favor of **Beach Block Townhomes LLC, a Florida Limited Liability Company**, whose post office address is 7563 Philips Highway, Suite 208, Jacksonville, FL 32256 (whether singular or plural, "Grantee").

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which Grantor has in and to the following described land, situate, lying and being in Duval, FL, (the "Property"):

PARCEL 1

A part of Government Lots 3 and 6, Section 33, Township 2 South, Range 29 East, Duval County, Florida, said part being more particularly described as follows: For the point of beginning commence at the intersection of the East line of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East With the Southerly right-of-way line of 2nd Avenue North (formerly Willard Avenue) as now established as an 80 feet right-of-way, said East line of the Castro Y Ferrer Grant, Section 38, also being the Easterly right-of-way line of 11th Street, as now established as a 40 foot right-of-way; thence run S. 9°37' E. along said East line of the Castro Y Ferrer Grant, a distance of 209.86 feet to the Northerly right-of-way line of 1st Avenue North, as now established; thence runs S. 83°23' E. along said Northerly right-of-way line of 1st Avenue North, a distance of 123.88 feet; thence run N 11°18' W., a distance of 229.44 feet to the aforesaid Southerly right-of-way line of 2nd Avenue North, thence run S. 88°05' W. along said Southerly right-of-way line, a distance of 113.10 feet to the point of beginning.

A/K/A: 115 N 11th St., Jacksonville Beach, FL 32250 / Parcel # 177305-0010

****This instrument is being recorded to eliminate any outstanding interest as a result of the Quit Claim Deed recorded in OR BK 19422, PG 920.****

To have and to hold the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use and benefit of the Grantee forever.

SUBJECT TO taxes for 2021 and subsequent years, not yet due and payable, and covenants, restrictions, easements, reservations and limitations of record, if any, without intention of creating or reimposing same.

This Property is not the constitutional homestead of the Grantor.

**WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET AND THE
POINT OF BEGINNING.**

RE#: 177306-0000

Address: 1005 1st Avenue North, Jacksonville Beach, FL 32250

Together with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever. And Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land, that Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever, and that the Property is free of all encumbrances except taxes for 2020 and subsequent years and covenants, restrictions, easement and reservations of record, if any, without the intention of creating or reimposing same.

This Property is not the constitutional homestead of the Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Witness Signature: [Signature]

Witness Name: Luke McGovern

Witness Signature: [Signature]

Witness Name: Julia McKillop

[Signature]
Paul A. McGovern

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or () online notarization this 31st day of December, 2020, by Paul A. McGovern.

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary



JULIA MCKILLOP
Commission # GG 955055
Expires February 26, 2024
Bonded Thru Budget Notary Services

Personally Known: _____ OR Produced Identification: X

Type of Identification

Produced: FL DL

Prepared under the direction of and return to:

Ian McKillop
 McKillop Law Firm, PL
 7563 Philips Highway
 Building 500
 Jacksonville, FL 32256
 File Number: 20-1401
 Consideration: \$1,400,000.00

WARRANTY DEED

This Warranty Deed made this 31st day of December, 2020 between **Paul A. McGovern, a married man**, whose post office address is PO BOX 49118, Jacksonville Beach, FL 32240 (whether singular or plural, "Grantor"), and **Beach Block Townhomes LLC, a Florida Limited Liability Company**, whose post office address is 7563 Philips Highway, Suite 208, Jacksonville, FL 32256 (whether singular or plural, "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts, and trustees)

WITNESSETH, that Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval, FL, (the "Property"):

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, LYING IN AND BEING PART OF GOVERNMENT LOTS 3 AND 6, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 29 EAST, IN THE CORPORATE LIMITS OF JACKSONVILLE BEACH, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 30, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE SOUTH 88° 05' 00" WEST BY AND ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF 2ND AVENUE NORTH, AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, A DISTANCE OF 50.68 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 10TH STREET, A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 127.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 126.61 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 1ST AVENUE NORTH, A RIGHT-OF-WAY VARIED WIDTH AS NOW ESTABLISHED; THENCE NORTH 83° 18' 00" WEST BY AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 157.81 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 4507, PAGE 452, OF SAID CURRENT PUBLIC RECORDS; THENCE NORTH 11° 18' 00" WEST BY AND ALONG SAID EASTERLY BOUNDARY AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET, A DISTANCE OF 114.92 FEET TO THE SOUTHERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 3721, PAGE 492(EX) AND O.R. BOOK 5567, PAGE 996 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTH 87° 25' 32" EAST BY AND ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 154.59 FEET TO THE

LEGAL DESCRIPTION OF APPLICANT'S PROPERTY

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, LYING IN AND BEING PART OF GOVERNMENT LOTS 3 AND 6, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 29 EAST, IN THE CORPORATE LIMITS OF JACKSONVILLE BEACH, ,DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 30, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE SOUTH 88° 05' 00" WEST BY AND ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF 2ND AVENUE NORTH, AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, A DISTANCE OF 50.68 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 10TH STREET, A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 127.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 11° 18' 00" EAST BY AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 126.61 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 1ST AVENUE NORTH, A RIGHT-OF-WAY VARIED WIDTH AS NOW ESTABLISHED; THENCE NORTH 83° 18' 00" WEST BY AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 157.81 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 4507, PAGE 452, OF SAID CURRENT PUBLIC RECORDS; THENCE NORTH 11° 18' 00" WEST BY AND ALONG SAID EASTERLY BOUNDARY AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET, A DISTANCE OF 114.92 FEET TO THE SOUTHERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN O.R. BOOK 3721, PAGE 492(EX) AND O.R. BOOK 5567, PAGE 996 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTH 87° 25' 32" EAST BY AND ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 154.59 FEET TO THE

WESTERLY RIGHT-OF-WAY LINE OF SAID NORTH 10TH STREET AND THE POINT OF BEGINNING.

RE#: 177306-0000

Address: 1005 1st Avenue North, Jacksonville Beach, FL 32250

LEGAL DESCRIPTION OF APPLICANT'S PROPERTY

A part of Government Lots 3 and 6, Section 33, Township 2 South, Range 29 East, Duval County, Florida, said part being more particularly described as follows: For the point of beginning commence at the intersection of the East line of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East With the Southerly right-of-way line of 2nd Avenue North (formerly Willard Avenue) as now established as an 80 foot right-of-way, said East line of the Castro Y Ferrer Grant, Section 38, also being the Easterly right-of-way line of 11th Street, as now established as a 40 foot right-of-way; thence run S. 9°37' E. along said East line of the Castro Y Ferrer Grant, a distance of 209.86 feet to the Northerly right-of-way line of 1st Avenue North, as now established; thence runs S. 83°23' E. along said Northerly right-of-way line of 1st Avenue North, a distance of 123.88 feet; thence run N 11°18' W., a distance of 229.44 feet to the aforesaid Southerly right-of-way line of 2nd Avenue North, thence run S. 88°05' W. along said Southerly right-of-way line, a distance of 113.10 feet to the point of beginning.

A/K/A: 115 N 11th St., Jacksonville Beach, FL 32250 / Parcel # 177305-0010

And

PARCEL NO.1: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05' West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 96.70 feet; thence South 11°18' East, parallel with said westerly right of way line of Tenth (10th) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning. PARCEL NO. 2: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwestern corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05' West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10th) Street North; thence North 11°18' West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

RE#: 177307-0000

2022 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L20000328607

Entity Name: BEACH BLOCK TOWNHOMES LLC**Current Principal Place of Business:**7563 PHILIPS HWY
BLDG 100
JACKSONVILLE, FL 32256**Current Mailing Address:**7563 PHILIPS HWY
BLDG 100
JACKSONVILLE, FL 32256 US**FEI Number:** 85-3494040**Name and Address of Current Registered Agent:**MCKILLOP LAW FIRM PL
7563 PHILIPS HWY
BLDG 500
JACKSONVILLE, FL 32256 US**FILED**
Mar 23, 2022
Secretary of State
9695122140CC20.100146
DEC - 7 2022

PLANNING & DEVELOPMENT

Certificate of Status Desired: No*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGR
Name SIFAKIS, ALEXANDER
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name EISEMAN, ADAM
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name COHEN, GREGORY
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

Title MGR
Name RIGEL, ADAM
Address 7563 PHILIPS HWY, BLDG 100
City-State-Zip: JACKSONVILLE FL 32256

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: ALEXANDER SIFAKIS**MANAGER****03/23/2022**

Electronic Signature of Signing Authorized Person(s) Detail

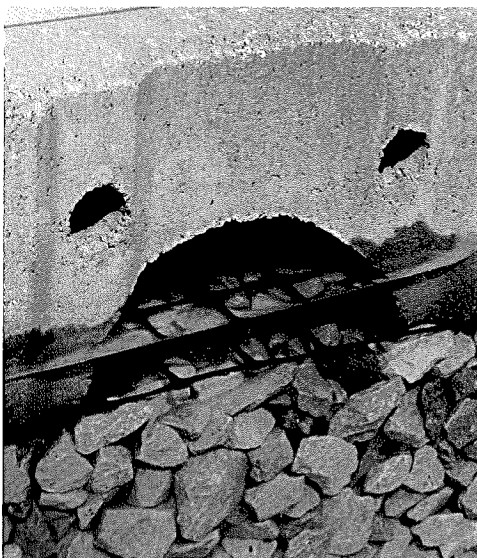
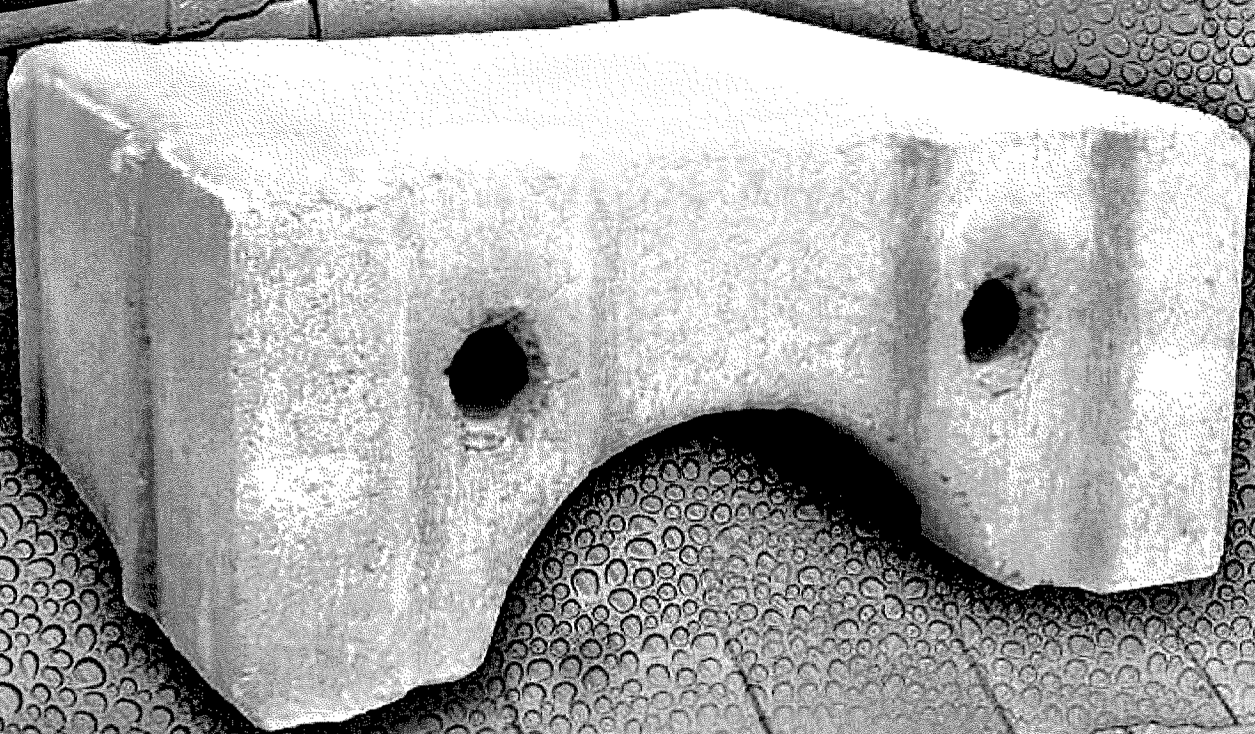
Date

PAVE DRAIN SPECIFICATIONS

PAVE DRAIN[®]

STORMWATER'S ARCH ENEMY

Sustainable Stormwater Solutions



Structural and Environmental Benefits

The PaveDrain® system combines modern-day functionality with a structural concrete concept used for centuries to create *the* revolutionary permeable paving solution. This system incorporates a patented arch design in the middle of an articulating concrete block to create an internal storage chamber that can be used as a reservoir for stormwater runoff, while simultaneously providing strength for heavy vehicular loads. The PaveDrain system is designed to be a critical component of Low Impact Development (LID) allowing for the infiltration of stormwater runoff.

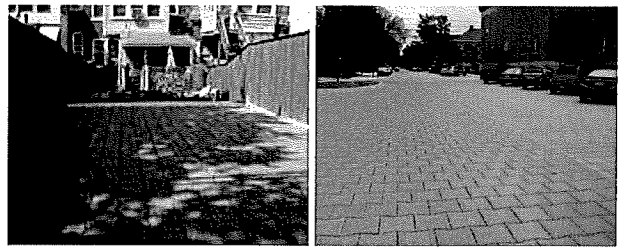
The PaveDrain system is an aesthetically pleasing Permeable Articulating Concrete Block (P-ACB) that provides installation ease and flexibility to meet current and future stormwater management regulations. The PaveDrain system provides infiltration, storage, detention, conveyance and a concrete paving surface all in one. When combined, these features allow for a reduction or elimination in stormwater infrastructure costs while minimizing environmental impact. The PaveDrain system WORKS!

ASTM Standards & ADA Compliance

The PaveDrain system meets the requirements of ASTM D6684-04 and is recognized by the USEPA as a structural Best Management Practice (BMP) for stormwater infiltration. The Americans with Disabilities Act (ADA) Design Guidelines required that surface openings shall not exceed 1/2" and shall be firm, stable, and slip resistant. The PaveDrain system easily exceeds all these requirements by incorporating a 1/4" gap between individual PaveDrain blocks.

Applications

- ☐ Parking Lots
- ☐ Low Speed Roadways
- ☐ Alley Ways
- ☐ Emergency Access Lanes
- ☐ Intersections
- ☐ Residential Driveways



Why the PaveDrain System?

As part of the Clean Water Act, the EPA developed the National Pollution Discharge Elimination System (NPDES) to improve water quality by regulating point sources and non-point sources that discharge pollutants into waters of the U.S. The PaveDrain system captures and infiltrates massive amounts of surface water and allows land owners to route stormwater and control peak flows.



PaveDrain blocks work with existing infrastructure and can be used as the form for small concrete pours. No small, cut pieces to become dislodged.



Infiltration Report

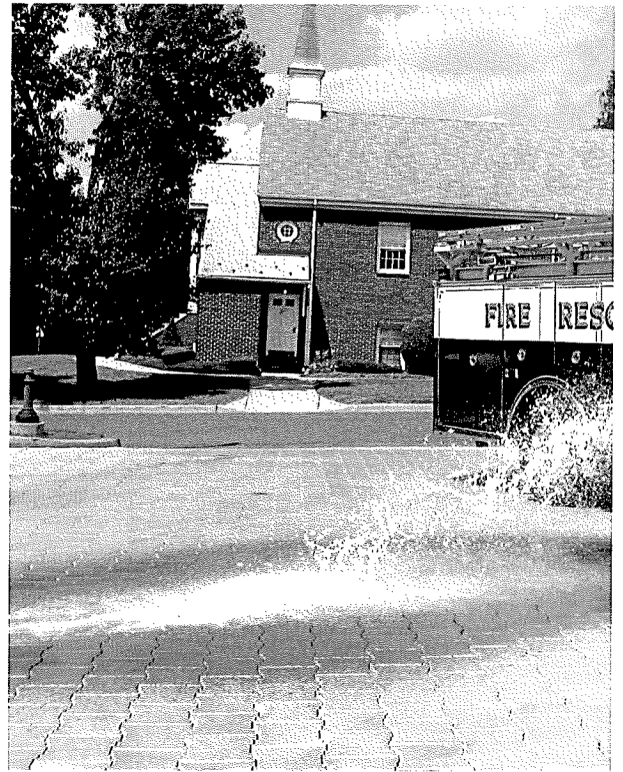
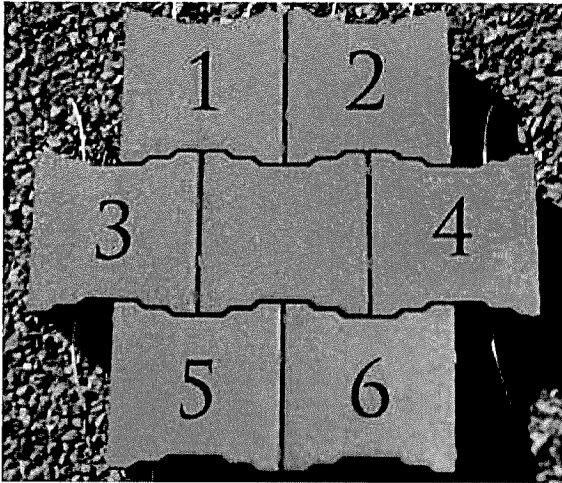
The PaveDrain® system was tested in accordance with ASTM C1701/C1701M-09 by an independent third party engineering firm. The tests were conducted on different PaveDrain installations that had not been maintained on an average of more than 2 years and still infiltrated in excess of 1,500 inches/hour per one foot diameter.

	Test #1	Test #2
Inside Dia. of Infiltration Ring (in)	12.19	12.19
Elapsed time of Test (sec)	20.9	21.95
Infiltration Rate (in/hr) ($I = KM / (D^2 \cdot tr)$)	1,630	1,560
Avg. Infiltration Rate (in/hr)	1,595	

PaveDrain® Systems Properties

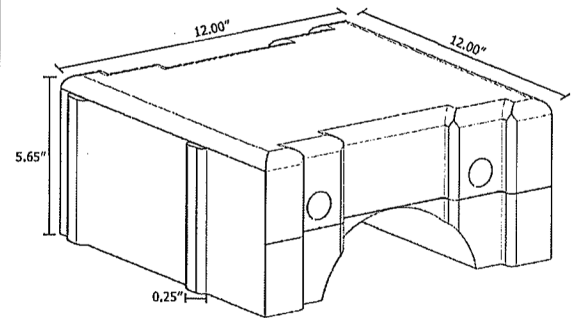
Thickness	5.65" ($\pm 1/8"$)
Unit Dimensions	12.00" x 12.00"
Unit Weight	45-49 lbs
Unit	1 Sq. Ft. Nominal
Percentage Open Space: 7% Surface, 20% Storage Area	

**Each individual block is
interlocked by six (6) units**



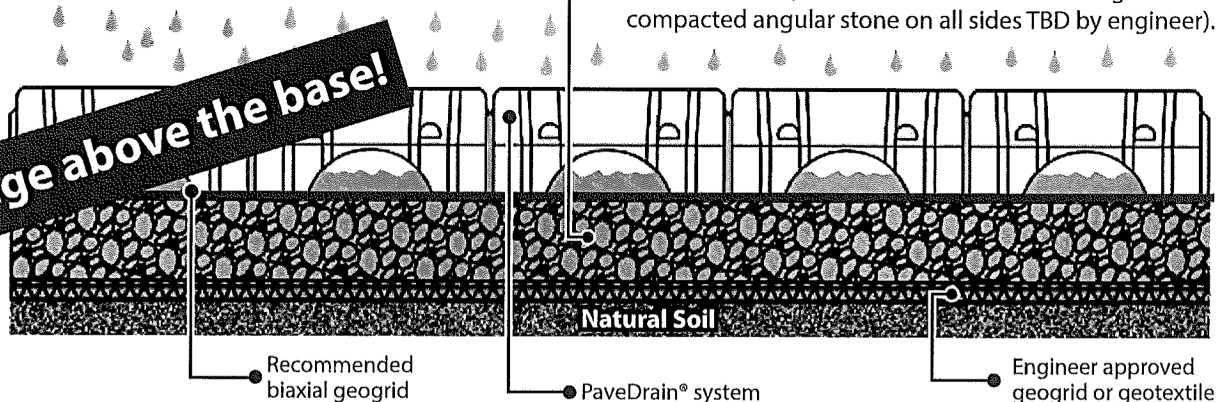
**Passes AASHTO HS-25
Truck Loading**

Measurements



PaveDrain® System Blocks End View Cross Section

Storage above the base!



Address: 1010 2nd Ave. Jacksonville Beach, FL 32250

Together with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever. And Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land, that Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever, and that the Property is free of all encumbrances except taxes for 2020 and subsequent years and covenants, restrictions, easement and reservations of record, if any, without the intention of creating or reimposing same.

This Property is not the constitutional homestead of the Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Witness Signature: [Signature]

Witness Name: Hasanah Comake

Witness Signature: [Signature]

Witness Name: Katherine Derringer

JWB Real Estate Capital, LLC, a Florida limited liability company

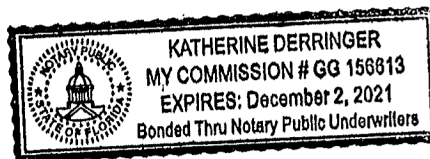
[Signature]
By: Adam Rigel, its Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28th day of December, 2020, by Adam Rigel, who is personally known to me or who produced the identification set forth below.

[Signature]

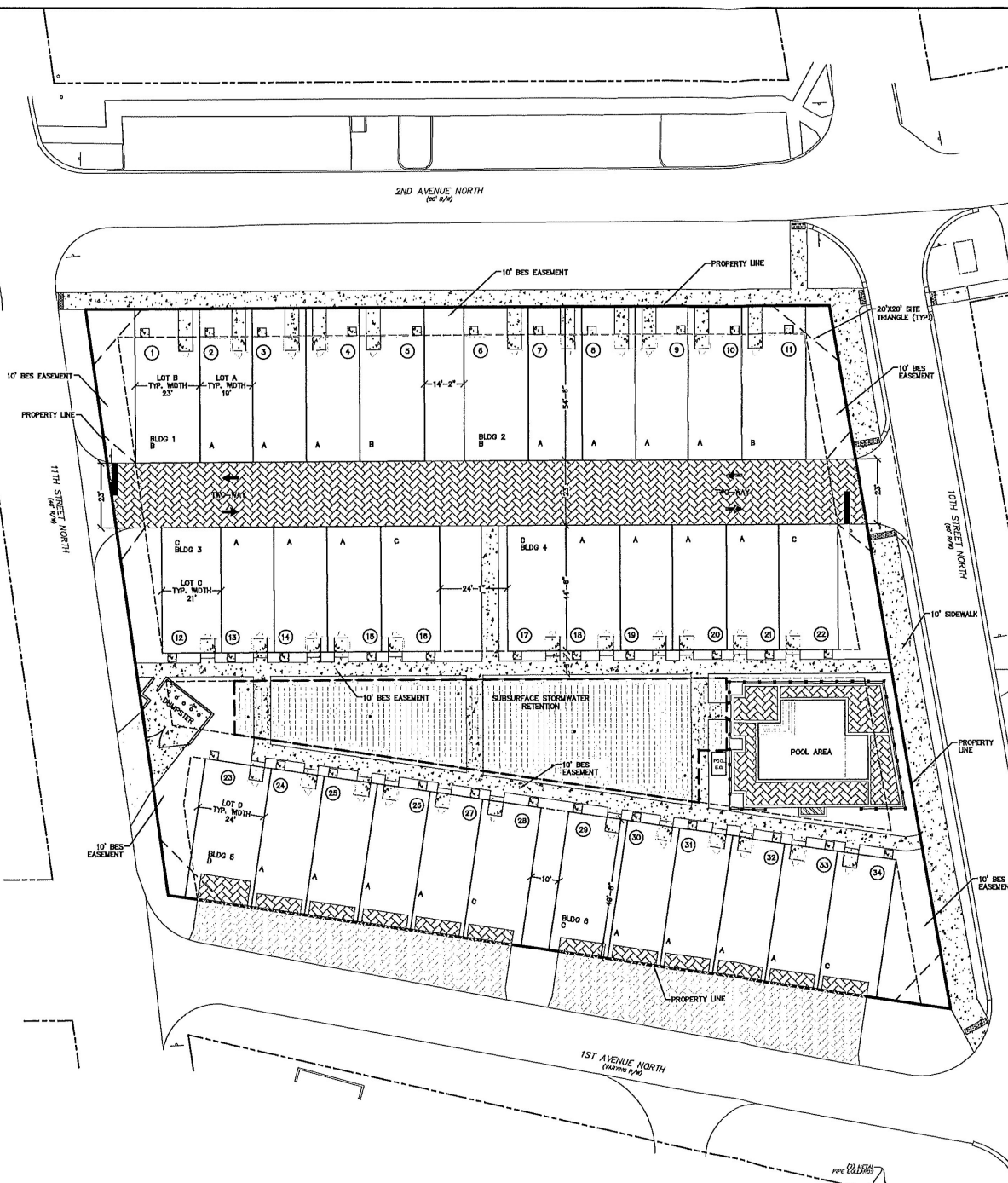
Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: n/a





TOWN HOUSE - 34 UNITS

UNIT SIZES

	MIN. SF.	MAX. SF.
HEATED AREA	1,400	2,800
GROSS AREA	1,800	3,200

LOT SIZES

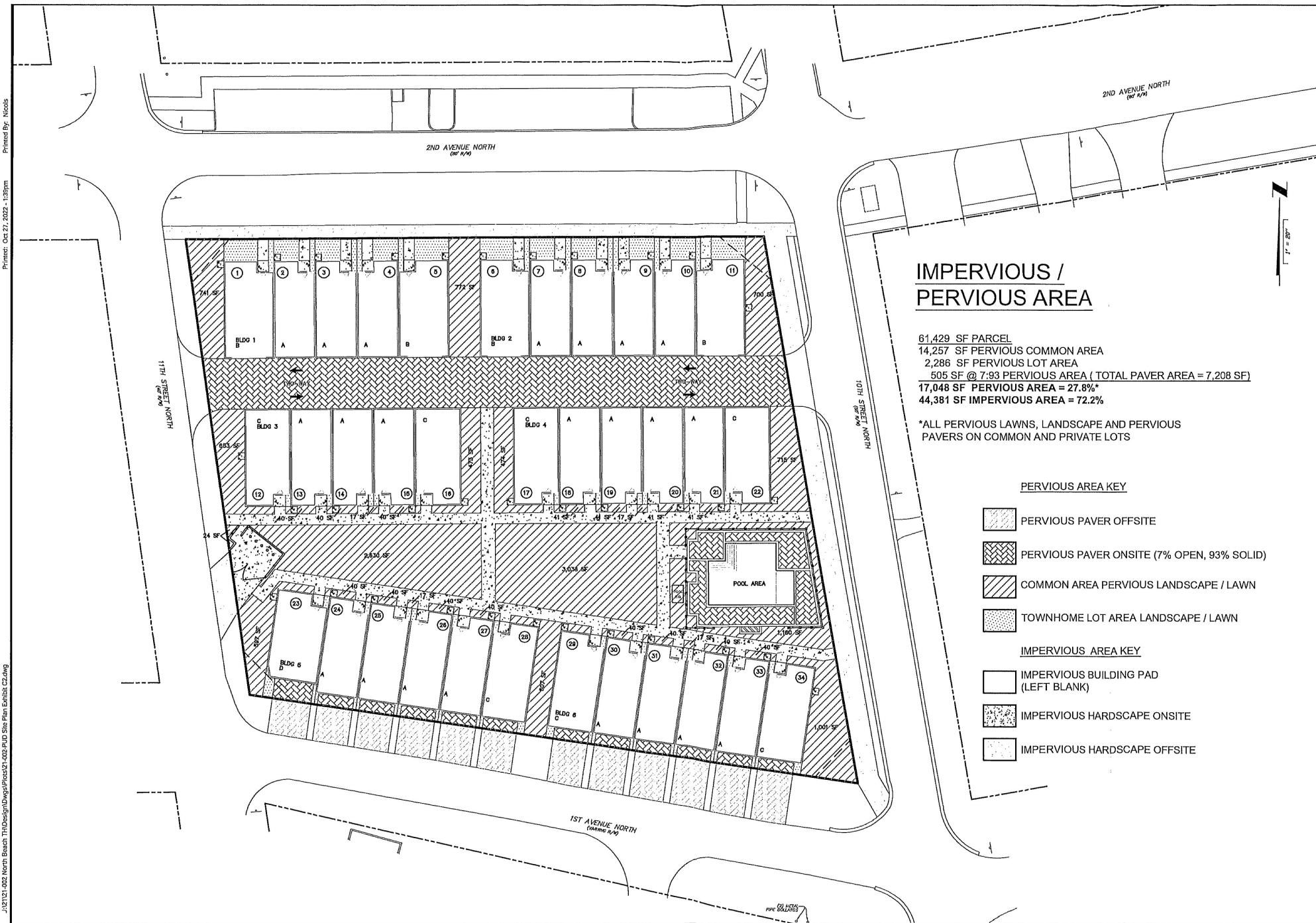
LOT NO.	MIN. SF.
1, 5, 6, 11:	1,090
2-4, 7-10:	1,030
12, 16, 17, 22:	890
13-15, 18-21:	840
23, 28, 29, 34:	990
24-27, 30-33:	940

PARKING

34 UNITS / 2 GARAGE SPACES PER UNIT.

SITE

SITE AREA = 61,429 SF (1.41 AC.)



IMPERVIOUS / PERVIOUS AREA

61,429 SF PARCEL
14,267 SF PERVIOUS COMMON AREA
2,286 SF PERVIOUS LOT AREA
505 SF @ 7:93 PERVIOUS AREA (TOTAL PAVER AREA = 7,208 SF)
17,048 SF PERVIOUS AREA = 27.8%*
44,381 SF IMPERVIOUS AREA = 72.2%

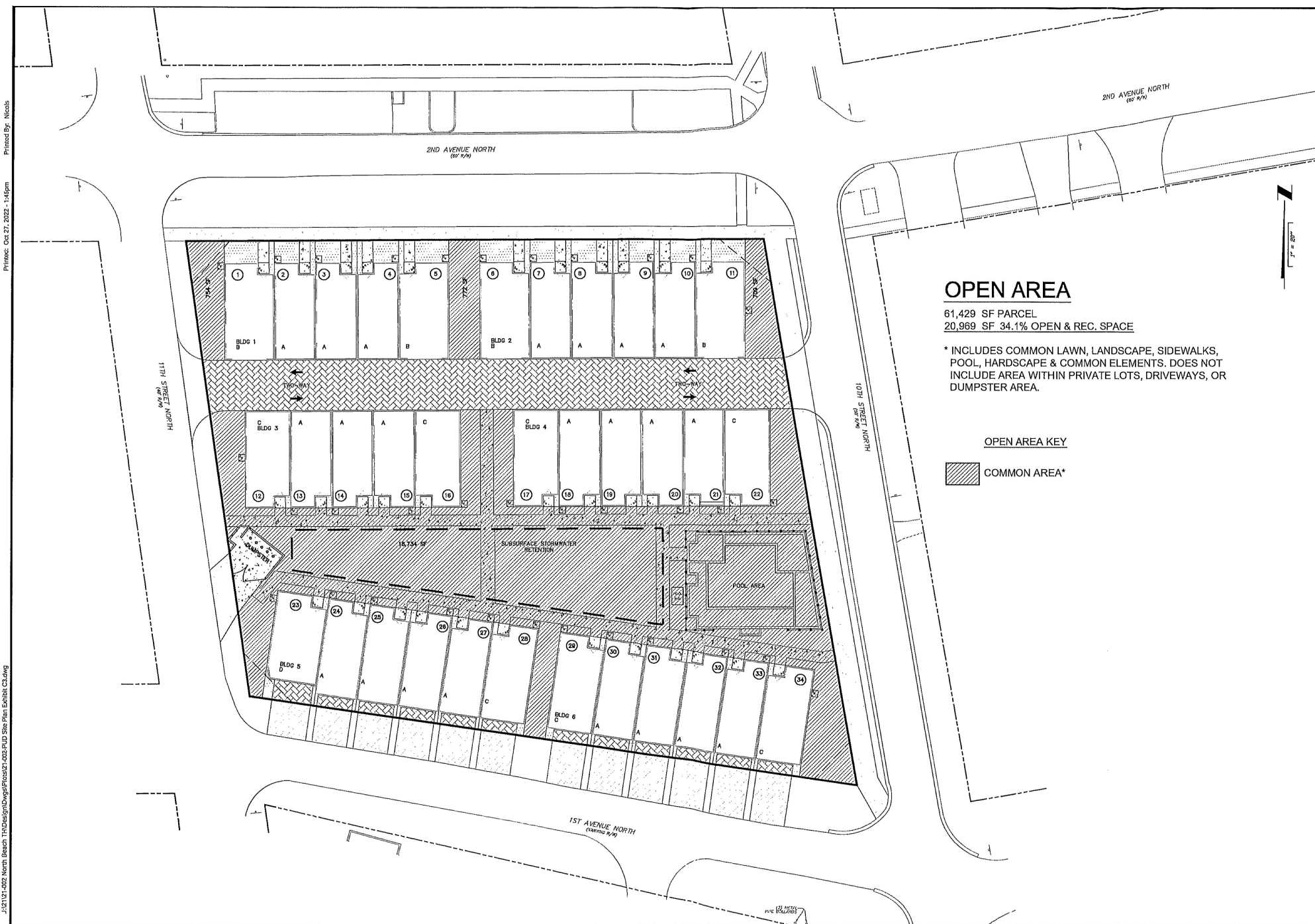
*ALL PERVIOUS LAWNS, LANDSCAPE AND PERVIOUS PAVERS ON COMMON AND PRIVATE LOTS

PERVIOUS AREA KEY

- PERVIOUS PAVER OFFSITE
- PERVIOUS PAVER ONSITE (7% OPEN, 93% SOLID)
- COMMON AREA PERVIOUS LANDSCAPE / LAWN
- TOWNHOME LOT AREA LANDSCAPE / LAWN

IMPERVIOUS AREA KEY

- IMPERVIOUS BUILDING PAD (LEFT BLANK)
- IMPERVIOUS HARDSCAPE ONSITE
- IMPERVIOUS HARDSCAPE OFFSITE



OPEN AREA

61,429 SF PARCEL
20,969 SF 34.1% OPEN & REC. SPACE

* INCLUDES COMMON LAWN, LANDSCAPE, SIDEWALKS, POOL, HARDSCAPE & COMMON ELEMENTS. DOES NOT INCLUDE AREA WITHIN PRIVATE LOTS, DRIVEWAYS, OR DUMPSTER AREA.

OPEN AREA KEY

 COMMON AREA*



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	01/04/2023
SUBJECT:	Ordinance No. 2023-8193 Downtown Height Incentive Charter Amendment

BACKGROUND

The Jacksonville Beach City Council completed a review of the City's Charter during 2021. During the review of Section 52, the City Council discussed potential changes to the current building height limitation of 35 feet in order to encourage redevelopment in the downtown core (Central Business District). The City Council hosted two public workshops to discuss potential changes to Section 52 in January and July of 2022. The workshops were well attended by the public, board members, and the City Council. Following the workshops, staff prepared a proposed amendment to Section 52 of the Charter that would provide for a density bonus incentive of an additional 20 feet of building height in the Central Business District, if certain criteria are met. Criteria would be developed and incorporated into the Redevelopment Plan for downtown.

If this ordinance is approved by the City Council, the proposed charter amendment would be placed on the ballot for the general election to be held on May 16, 2023. If the charter amendment is approved, staff would begin the process of developing the criteria for City Council's consideration and approval. Staff could incorporate the adoption of criteria into an update to the Downtown Redevelopment Plan that is scheduled for 2023.

FINANCIAL IMPACT

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8193 on the first reading approving the Downtown CRA Height Incentive, and schedule a second reading for February 21, 2023

ATTACHMENTS

1. Ordinance Number 2023-8193

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

ORDINANCE NO. 2023-8193

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF JACKSONVILLE BEACH A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING A BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE FOR APPROVED AMENDMENTS, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the members of the City of Jacksonville Beach ("City") City Council have, in public meetings, studied and reviewed the City of Jacksonville Beach Charter (the "Charter") and received public input regarding the proposed amendment to the Charter; and

WHEREAS, the City desires to encourage the development and redevelopment of properties in the Central Business District; and

WHEREAS, the City Council has expressed interest in increasing the maximum building height in the Central Business District to encourage development and redevelopment; and

WHEREAS, public workshops to discuss amending the Charter in regard to height were held on January 12, 2022 and July 11, 2022; and

WHEREAS, the City Council has reviewed Section 52 of the Charter to consider changes which, if adopted by the electorate, would serve to amend the language of the Charter; and

WHEREAS, the City Council finds it to be in the best interest of its citizens to submit said proposed charter amendment to the voters at the general election on May 16, 2023.

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

SECTION 1. The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~strikethrough~~ type.

SECTION 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections of Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendment shall be submitted to the voters at the May 16, 2023 election.

SECTION 3. The proposed amendment, the ballot title, and the wording of the substance of the proposed amendment to the Charter, as contained in this Ordinance, shall appear on the ballot on the form of questions affixed to this Ordinance as Exhibit 1.

SECTION 4. The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 6. All ordinances and Charter provisions, or parts of ordinance and Charter provisions in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provision proposed for approval in this Ordinance shall become effective upon its approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

EXHIBIT 1

Explanation, Ballot, Title, Question, Summary, and Text Reference

Question – Downtown Density Bonus Incentive

A. Explanation.

This Charter amendment would allow for a density bonus incentive of an additional 20 feet, for a total building height of 55 feet, for development and redevelopment projects within the boundaries of 6th Avenue North, 3rd Street, 2nd Avenue South, and the Atlantic Ocean.

B. Ballot Proposal: The ballot title, summary, and question are as follows:

Title:

Proposal to allow for an additional 20 feet of building height within limited downtown boundaries.

Summary:

The City may award a height bonus of up to 20 feet, for a total of 55 feet, for development projects within the Downtown within the boundaries of 6th Avenue North, 2nd Avenue South, 3rd Street, and the Atlantic Ocean. Each project must comply with incentive eligibility criteria established within the Downtown Redevelopment Plan, and is conditioned upon final approval by the City. This height bonus incentive will terminate with the dissolution of the Downtown Community Redevelopment Agency.

Question:

Shall the Jacksonville Beach Charter be amended to enable the Community Redevelopment Agency and the City Council to award a density bonus incentive for development projects within the limited boundaries of 6th Avenue North, 2nd Avenue South, 3rd Street, and the Atlantic Ocean, if a proposed project meets approved incentive eligibility criteria, as has been established by the Community Redevelopment Agency and the City Council, and for only so long as no portion of the Downtown Community Redevelopment Agency has not been dissolved in whole or in part?

_____ Yes

_____ No

C. Text References: Chapter 9, Section 52 (2)(b), (c), (d), (e); all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “Proposed Changes” document below. (Underline text is added to the Charter; ~~strike through~~ text is deleted; unmarked text is existing.)

City of Jacksonville Beach Charter – Proposed Amendment

(Additions underlined; deletions ~~strikethrough~~)

Chapter IX. Enumeration of Particular Powers

Section 52. - Zoning authority.

- (1) The City of Jacksonville Beach may, in the interest of public health, safety, order, convenience, comfort, prosperity or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, dwelling or other uses of property as authorized and provided by general state law.
- (2) (a) In order to further protect the public health, safety, general welfare, and aesthetics, no new building height shall exceed thirty-five (35) feet, nor shall any existing building be altered to cause it to exceed a building height of thirty-five (35) feet.
- (b) The City Council and the Community Redevelopment Agency (CRA) may award a height bonus incentive of up to twenty (20) feet, for a total of fifty-five (55) feet, for development projects within the Downtown CRA, within the boundaries of 6th Avenue North, 2nd Avenue South, 3rd Street, and the Atlantic Ocean. Each proposed project must comply with incentive eligibility criteria established within the Downtown CRA Plan, and is conditioned upon final approval by the CRA and City Council. This height bonus incentive will terminate with the dissolution of the Downtown CRA, either in whole, or for that portion covering boundaries as described herein.
- (~~b~~c) Building height means the vertical distance from the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable and gambrel roofs.
- (~~e~~d) The height limits do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.
- (~~d~~e) Buildings in existence or with approved construction permits or adopted Planned Unit Developments on or before the effective date of this amendment, may be completed, repaired, or rebuilt to a height not to exceed the previously existing height, within the same building footprint, subject to any other applicable state, federal or local laws. The height limits are not intended to restrict or otherwise adversely affect a property owner's vested rights under constitutional, statutory or common law. If it is determined by a court of competent jurisdiction that a landowner has vested rights, the landowner can elect to proceed with development under the Land Development Code in effect on the date of the adoption of this amendment.
- (f) Those parts of any ordinances in conflict with this section are hereby repealed. This section becomes effective upon adoption.