



City of Jacksonville Beach

Agenda

11 North Third Street
Jacksonville Beach, Florida

Planning Commission

Monday, April 24, 2023

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

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

OATH OF OFFICE

A. Oath of Office for new Commission Member

CALL TO ORDER

ROLL CALL

Margo Moehring (Chair), Colleen White (Vice-Chair), Dave Dahl, Justin Lerman, Nicholas Andrews
Alternates: Justin Henderson, Debbie Cole

APPROVAL OF MINUTES

CORRESPONDENCE

DISCLOSURE OF EX-PARTE COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

A. PC# 10-23: Land Development Code Text Amendment for text amendments to Sec. 34-348 -
Planned Unit Development District: PUD

PLANNING DEPARTMENT REPORT

- A.
- The next meeting is May 8th, there will be one case
 - The joint workshop for the Comp Plan / LDC with the Planning Commission, Board of Adjustment and CRA Board will be May 31st, in Council Chambers, starting at 6:00 p.m.

ADJOURNMENT

NOTICE

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public

hearing and can be heard on any matter presented before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Case Number, and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to planning@jaxbchfl.net, (2) Postal mail to Planning and Development, Planning Commission - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Commission and attached to the related agenda item before the start of the meeting. All comments received are public record.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



CITY COUNCIL AGENDA ITEM	
TO:	Planning Commission
FROM:	Staff
DATE:	04/11/2023
SUBJECT:	Ordinance No. 2023-8196 Text Amendments to Sec. 34-348 - Planned Unit Development District: PUD (First Reading)

BACKGROUND

PC# 10-23

Land Development Code Text Amendment to Section 34-348

Planned Unit Development: PUD Zoning District

In 2018, via Ordinance No. 2018-8103, Chapter 34 – Land Development Code, Article VII. – Zoning Districts, Division 2. - Zoning districts, permitted uses, accessory uses, conditional uses, dimensional standards, off-street parking and loading standards, supplemental standards, landscaping standards, sign standards, and environmental standards, Section 34-347, Redevelopment District: RD was amended to incorporate reference to Article VI, Division 3 – Zoning Atlas and Code Amendments regulations, specifically changing the use of the standards from section 34-347(c)(3)(i) to those standards set forth in Section 34-211, City Code of Ordinances, at paragraphs (c)(3)(g) and (c)(3)(h)(2).

Because an application to change the zoning designation of a parcel of land should be reviewed and approved or denied based on the standards and procedures applicable to all applications to change the boundaries of the official zoning atlas, those same changes that were made to Section 34-347, Redevelopment District: RD via Ordinance No. 2018-8103 should have also been made to Section 34-348, Planned Unit Development District: PUD to keep standards and procedures consistent.

Ordinance No. 2023-8196 simply amends the text in Section 34-348 at paragraphs (i) and (j)(2) to make the applicable review standards those set for in Section 34-211, which is consistent with review standards set forth in Section 34-347.

FINANCIAL IMPACT

REQUESTED ACTION

PC# 10-23: Land Development Code Text Amendment for text amendments to Sec. 34-348 - Planned Unit Development District: PUD

ATTACHMENTS

1. Ordinance No. 2023-8196

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

ORDINANCE NO. 2023-8196

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 34 – LAND DEVELOPMENT CODE, ARTICLE VII – ZONING DISTRICTS, DIVISION 2 – ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS, SECTION 34-348 – PLANNED UNIT DEVELOPMENT DISTRICT: PUD TO STATE THAT CHAPTER 34, ARTICLE VI, DIVISION 3. – ZONING ATLAS AND TEXT AMENDMENTS REGULATIONS ARE APPLICABLE TO THE REVIEW AND APPROVAL OF APPLICATIONS FOR *PLANNED UNIT DEVELOPMENT DISTRICT: PUD* ZONING DESIGNATION; 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 Chapters 163 and 166, Florida Statutes; and

WHEREAS, in 2018, via Ordinance No. 2018-8103, Chapter 34 – Land Development Code, Article VII. – Zoning Districts, Division 2. - Zoning districts, permitted uses, accessory uses, conditional uses, dimensional standards, off-street parking and loading standards, supplemental standards, landscaping standards, sign standards, and environmental standards, Section 34-347. – *Redevelopment District: RD* was amended to incorporate reference to Article VI, Division 3 – Zoning Atlas and Code Amendments regulations, specifically changing the use of the standards from section 34-347(c)(3)(i) to those standards set forth in section 34-211, City Code of Ordinances, at paragraphs (c)(3)(g) and (c)(3)(h)(2); and

WHEREAS, because an application to change the zoning designation of a parcel of land should be reviewed and approved or denied based on the standards and procedures applicable to all applications to change the boundaries of the official zoning atlas, those same changes that were made to Section 34-347. – *Redevelopment District: RD* via Ordinance No. 2018-8103 should have also been made to Section 34-348. – *Planned Unit Development District: PUD* to keep standards and procedures consistent; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose, it is a permissible exercise of the City’s powers and authority, and benefits the welfare of the citizens and residents of the City of Jacksonville Beach.

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 Chapter 34, Article VII, Division 2, Section 34-348 of the City Code of Ordinances of the City of Jacksonville Beach, Florida is hereby amended as follows¹:

Sec. 34-348. Planned unit development district: PUD.

- (a) *Purpose and intent.* 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. 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.
- (b) *General applicability.* Before any development shall be designated planned unit development (PUD) zoning district on the official zoning atlas, it shall receive PUD zoning district approval pursuant to the terms of this section.
- (c) *Initiation of application.* An application for a development permit for a PUD zoning district designation may only be submitted by the owner, or any person having a contractual interest and unified control of the land, or their authorized agent.
- (d) *General overview.* Prior to receipt of a planned unit development (PUD) zoning district classification, land must receive approval of a preliminary development plan for PUD pursuant to the procedures and standards of this section. The preliminary development plan for a PUD zoning district classification must then receive approval of a development plan pursuant to the procedures and standards of section 34-251 et seq.
- (e) *Preapplication conference.*
- (1) *Submission of application.* Prior to submitting an application for a development permit for a development plan for a PUD, an applicant shall request in writing a preapplication conference with the planning and development director. Accompanying the request for a preapplication conference shall be an application in the form established by the planning and development director and made available to the public, and a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of the preapplication conference.

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

- (2) *Determination of sufficiency.* Within ten (10) working days of receipt of an applicant's request for a preapplication conference and the application, the planning and development director shall determine whether the application is sufficient.
 - a. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the deficiencies. No action shall be taken to initiate a preapplication conference until the deficiencies are remedied.
 - b. When the application is determined sufficient, the planning and development director shall notify the applicant in writing of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section.
 - (3) *Scheduling of preapplication conference.* Within ten (10) working days after the planning and development director determines that the application is sufficient, a preapplication conference on the proposed application shall be scheduled with the applicant and such other city departments and/or state agencies that may be involved in the review and processing of the application. The applicant shall be notified in advance by the planning and development director about which other city departments and state agencies will be involved in the preapplication conference and the time, date and place of the conference.
 - (4) *Preapplication conference issues.* At the preapplication conference, the planning and development director, the applicant, and the representatives from other city departments and state agencies shall discuss the proposed development and the following issues as they relate to the application for a development permit for a development plan for a PUD.
 - a. Physical characteristics of the site proposed for development including but not limited to protection areas, wetlands and easements;
 - b. Relationship between the proposed development and surrounding land uses;
 - c. Status of existing and proposed on-site streets, utilities or other public and private facilities to serve the proposed development;
 - d. Status of public facilities that would serve the proposed development, specifically as it relates to the CIE of the comprehensive plan;
 - e. Common open areas proposed to serve the development;
 - f. Maintenance mechanisms and procedures designed to guarantee the care and upkeep of the common elements;
 - g. Identification of the appropriate development review procedures for the proposed development, and a tentative schedule of review for any proposed consolidation of review for more than one application for development permit; and
 - h. Applicability of F.S. §§ 380.05 and 380.06, (Florida Land and Water Management Act) to the proposed development.
 - (5) *Written summary.* Within ten (10) working days of the preapplication conference, the planning and development director shall provide the applicant with a written summary of the preapplication conference. One (1) copy of this written summary shall be submitted by the applicant to the planning and development director at the time of submission of the application for development permit.
- (f) *Preliminary development plan for PUD.*
 - (1) *Submission of application.* Subsequent to the preapplication conference, an application for a preliminary development plan for a planned unit development (PUD) zoning district classification shall be submitted to the planning and development director, along with a nonrefundable application fee which is established from time to time by the city council to defray the actual cost of processing the application.

- (2) *Contents of application.* The application shall be submitted in a form established by the planning and development director and made available to the public that contains the following information:
- a. The name, address, and telephone number of the owner of record of the land proposed for development.
 - b. The name, address, and telephone number of the developer, if different from the owner, and an explanation of the difference.
 - c. The name address, and telephone number of the agent for the application, if there is an agent.
 - d. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.
 - e. The street address and legal description of the land on which the preliminary development plan for PUD is proposed to occur, with attached copies of any instruments referenced, such as, but not limited to, deeds, plats, easements, covenants, and restrictions.
 - f. Evidence that the applicant has unified control of the land proposed for PUD zoning district classification.
 - g. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries clearly marked.
 - h. An eight and one-half (8½) by eleven (11) vicinity map locating the land proposed for development.
 - i. A description of the existing zoning district classification, and future land use map designation of the land proposed for development, as well as the existing land uses and zoning district classification of any contiguous land owned by the applicant (disregarding intervening road right-of-way).
 - j. A preliminary development plan, at a scale of one (1) inch equals one hundred (100) feet or larger, that contains, but is not limited to, the following:
 1. The proposed name or title of the development, and the name of the engineer, architect and developer.
 2. A north arrow.
 3. The date and legal description of the proposed PUD zoning district classification.
 4. Identification of the boundaries of the land shown with bearings, distances, closures and bulkhead lines on the land, and all existing easements, section lines, streets and physical features.
 5. The names and location of adjoining developments and subdivisions.
 6. The proposed parks, school sites or other public and private open space.
 7. The vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.
 8. The site data, including tabulation of the total number of gross acres in the development, the acreage to be devoted to each of the several types of residential, non-residential uses, and open space uses, the total number of dwelling units and square feet of gross non-residential building area, and public beach access, where applicable.
 9. Designation of common open space and any complementary structures, and the tabulation of the percent of the total area devoted to common open space.
 10. A delineation of specific areas which constitute a proposed development phase.
 11. A general statement indicating the proposed means of drainage for the site to ensure conformity with natural drainage within the area or with the drainage plan established within the vicinity.

- k. A description of how there will be assurance that adequate public facilities will be available pursuant to the requirements of Article X, Adequate public facility standards.
 - l. A statement of how open space and recreation facilities will be preserved and maintained.
 - m. A certificate of survey completed by a professional land surveyor registered in the State of Florida certifying the preliminary development plan.
 - n. The general location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, residential areas and structures, non-residential areas and structures, recreational areas and structures and common open space.
 - o. Proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
 - p. Location and width of canals, waterways and flood prone areas.
 - q. A development schedule.
 - 1. Delineating areas to be developed according to their order of construction.
 - 2. Proposing dates for beginning and completing construction of each development phase.
 - 3. Proposing a schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase.
- (3) *Determination of sufficiency.* Within ten (10) working days after receipt of the application, the planning and development director shall determine if the application is sufficient.
- a. If the planning and development director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 - b. When the application is determined sufficient, the planning and development director shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this section.
- (4) *Review and report.* Within thirty (30) working days after the application is determined sufficient, the planning and development director shall review the application, and prepare a staff report recommending approval, approval with conditions, or denial based on the standards in section 34-348(j)3. The planning and development director shall mail a copy of the staff report to the applicant by mail on the day the staff report is completed, along with written notification of the time and place the application will be considered by the planning commission at a public hearing.
- (g) *Public hearings.* The planning commission shall hold one (1) public hearing and the city council shall hold two (2) public hearings on a preliminary development plan for a PUD zoning district designation when the amendment would affect five (5) percent or more of the total land area of the city. The second public hearing before the city council shall be held approximately two (2) weeks after the first public hearing. The day, time, and place at which the second city council public hearing will be held shall be announced at the first public hearing. The planning commission and the city council each shall hold at least one (1) public hearing on a proposed development plan for a PUD zoning district designation when that amendment would affect less than five (5) percent of land in the city. The public hearings shall be held after 5:00 p.m. on a weekday.
- (h) *Notice.* The planning and development director shall provide notice of the public hearings pursuant to section 34-154(b).

- (i) *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)~~3211.
- (j) *Action by city council.*
- (1) *Scheduling of public hearing.* After the review and recommendation of the planning commission, the application shall be scheduled for consideration at either one (1) or two (2) public hearings by the city council, whichever is applicable, at the first regularly scheduled public hearing by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and planning and development director.
 - (2) *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)~~3211.
 - (3) *Standards.* A preliminary development plan for a PUD shall comply with the following standards:
 - a. *Area.* There shall be no minimum acreage required.
 - 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.
 - c. *Density.* Residential development shall not exceed the maximum densities established in the RM-2 zoning district.
 - d. *Building height:* Thirty-five (35) feet.
 - 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.
 - 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.
 - 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.
 - h. *Common recreation and open space.* The preliminary development plan shall comply with the following common recreation and open space standards.
 1. 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.

2. 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.
3. 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.
4. If common open space is proposed to be maintained through an association or nonprofit corporation, such organization shall conform to the following standards.
 - i. The association or nonprofit corporation shall be established prior to the sale of any lots or units within the development plan for PUD.
 - ii. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the development plan for PUD.
 - iii. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; and shall provide for the maintenance, administration and operation of such land and any other land within the development plan for PUD not publicly owned, and secure adequate liability insurance on the land.
- i. *Compatibility of open spaces.* Open space uses shall be designed in a compatible manner.
- j. *Compatibility with surrounding land uses.* The development proposed in the Preliminary development plan shall be consistent with the character of surrounding land uses.
- k. *Beach access.* The preliminary development plan shall not diminish existing public beach access.
- l. *Consistency with comprehensive plan.* The preliminary development plan shall be consistent with the comprehensive plan.
- (4) *Conditions.* The planning commission shall have the authority to recommend and the city council shall have the authority to impose such conditions on a development plan that are necessary to accomplish the purposes of this Code and comprehensive plan.
- (k) *Recordation.* The preliminary development plan and PUD agreement shall be recorded in the office of the Clerk of Circuit Court, Duval County, and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth in the preliminary development plan and PUD agreement. Failure on the part of the applicant to record the development plan and PUD agreement within a period of sixty (60) calendar days following its approval by the city council shall render the PUD zoning district classification null and void.
- (l) *Time limitations.* Time limitations of a development order for a preliminary development plan shall be established in the PUD agreement
- (m) *Minor deviations of the preliminary development plan for PUD development order.* Minor deviations to an approved development order for a development plan for a PUD may be authorized by the planning and development director. Minor deviations shall be limited to technical or engineering considerations first discovered during actual development which

could not reasonably be anticipated during the approval process and shall consist of no more than the following:

- (1) Alteration of the location of any road or walkway by not more than five (5) feet;
 - (2) Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
 - (3) Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
 - (4) Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.
- (n) *Amendment to preliminary development plan for PUD.* A preliminary development plan for a PUD may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this section.
- (o) *Prohibited use.* The business of outdoor advertising.

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